DOCUMENT RESUME

ED 156 153 IR 006 125

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TITLE Confidentiality of Research and Statistical Data. A Compendium of State Legislation.
INSTITUTION National Criminal Justice Information and Statistics Service (Dept. of Justice/LEAA), Washington, D.C.
PUB DATE 78
NOTE 152p.; Not available in hard copy due to type size
AVAILABLE FROM Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (C-260-992/2131)

EDRS PRICE MF-$0.83 Plus Postage. BC Not Available from EDRS.
DESCRIPTORS *Confidentiality; Confidential Records; Disclosure; Information Dissemination; *Medical Research; Privacy; Researchers; *Scientific Research; *State Legislation; *State Surveys; *Statistical Data

ABSTRACT

During the first half of 1977, the Law Enforcement Assistance Administration (LEAA) initiated a survey of State laws pertaining to the privacy and security of research and statistical information. Two data collection procedures were employed: a library search of State Statutes, and written inquiries to State Attorneys General and to other State officials. Survey findings are summarized alphabetically by state in three tables: (1) examples of statutes which permit special access by researchers to administrative information, subject to limitations on what the researchers may do with the data; (2) examples of State laws that place restrictions directly on a governmental agency maintaining records, usually restricting the agency's ability to release the information in identifiable form or for certain specified purposes; and (3) examples of statutes providing for researcher "immunity" against forced release of identifiable data. A compendium of relevant State statutes follows. The survey findings are tentative--a number of State legislatures are currently formulating privacy and security legislation and several States indicated that they could not be certain that all relevant State laws had been identified. (Author/JPF)

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ED156153

Confidentiality of Research and Statistical Data

A Compendium of State Legislation

1978

NATIONAL CRIMINAL JUSTICE INFORMATION
AND STATISTICS SERVICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
U. S. DEPARTMENT OF JUSTICE

IR006125

U.S. Department of Justice
Law Enforcement Assistance Administration
National Criminal Justice Information and Statistics Service

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WASHINGTON, D.C.: 1977

STATE LAWS GOVERNING
THE CONFIDENTIALITY OF
RESEARCH AND STATISTICAL INFORMATION

INTRODUCTION

During the first half of 1977, the Law Enforcement Assistance Administration (LEAA) initiated a survey of State laws pertaining to the privacy and security of research and statistical information. Survey findings are summarized immediately following this introduction. A compendium of relevant State statutes is attached.

Two data collection procedures were employed: (1) a library search of State statutes, and (2) written inquiries to State Attorneys General and to other State officials. These officials were asked to verify the results of the library search and to forward any additional legal authority relating to this topic.

All State statutes were reviewed in the course of the survey. Numerous States supplied additional materials and offered commentary on statutes. When such commentary was supplied, it was reviewed and was noted in preparing this report.

The survey findings are tentative. A number of State legislatures are currently formulating privacy and security legislation. In addition, several States indicated that they could not be certain that all relevant State laws had been identified. Thirdly, the issues are being addressed by the Courts--through interpretations of Constitutional provisions, through extensions of the "common law," and through the establishment of rules of evidence. Accordingly, this report focuses only upon statutory authority specifically relating to the privacy and security of research and statistical information. For these reasons it should be used as a guide to pertinent State legislative authority and not as the comprehensive collection of existing authority.

THE NEED FOR RESEARCH AND STATISTICAL INFORMATION

The production of research and statistical information has become a major governmental activity in the United States. The costs incurred for the collection, analysis, storage, and dissemination of such information are sizable and involve the services of thousands of public servants and researchers under grant or contract to local and State governments and to the Federal government.

A variety of objectives are sought in producing research and statistical information. A major objective is the pursuit of knowledge --the understanding of social problems, social behavior, and socio-economic trends--knowledge which is then utilized to inform the general public and to inform decisionmakers about prevailing societal conditions. Another objective is evaluation: to assess the effectiveness of public policies, and to derive new approaches to ameliorating social and economic problems. Yet another objective is prediction: the extension of evolving trends into the near and distant future.

Two basic data collection methods are utilized for acquiring research and statistical inforamtion about private citizens: "direct interaction" and "interfile inspection" of administrative and other record systems. The "direct interaction" approach typically involves one or more of the following: self-administered questionnaires, personal inventories, and personality tests; face-to-face interviewing; and descriptions of one person by another serving as an "informant." Observation of behavior is also occasionally used. The "interfile inspection" method typically involves the retrieval of information about data subjects from administrative or other record systems, such as criminal history, medical and mental health patient, or social welfare records. Researchers occasionally combine both approaches; data is systematically combined to produce usable statistical information.

PRIVACY AND RESEARCH

For nearly two hundred years, Constitutional protections were regarded as an adequate safeguard against inappropriate intrusions into the affairs of private citizens. This assumption has been challenged by certain technological developments, such as computers and electronic surveillance, and by the increasing dependence upon personal data in making determinations about citizens. Statutory approaches have come under close scrutiny as a result. In some cases, administrative record systems, both public and private, have been closed to the public particularly where the data is socially sensitive, as in criminal justice, in drug treatment, and in mental health services.

The development of large-scale research and statistical activities also threatens privacy, in that research and statistical information can be (mis-)used for non-research purposes--to make determinations about specific individuals, or to socially or economically embarrass, injure, or otherwise harm specific data subjects. The conflict between privacy and the need for research data could be eliminated if the identities of data subjects always remained unknown. Unfortunately, identifiers frequently need to be retained and associated with meaningful data for statistical or for scientific reasons. Some statistical activities are longitudinal in nature, in that data subjects are periodically re-contacted and re-interviewed, perhaps over a lifetime. Identifiers thus cannot be destroyed at the completion of a project. In other situations, as in interfile inspection of records, identifiers cannot always be easily separated from the meaningful statistical data. In these and in perhaps other research activities, identifiers are maintained and utilized over a long period of time.

The inherent conflict between the right to personal privacy and the need for the production of research and statistical information has been a key concern to the producers and users of such information. Remedies have been sought to minimize this conflict--to insure that personal privacy is not sacrificed in pursuing accurate and timely research and statistical information, and to insure the obverse, that privacy safeguards do not become so excessively strict that statistical production becomes impossible.

FEDERAL STATUTES

The Congress has sought on several occasions to secure a balance between the right to personal privacy and the public need for research and statistical information. Statutory attempts to deal with this question have focussed upon two different considerations. One consideration concerns the restrictions which should be placed upon the types of data that can be collected, and the ability of the collector to release the data in identifiable form. The second consideration is whether to provide researchers with immunity from enforced release of data pursuant to subpoena or other legal order.

With regard to the establishment of a researcher's immunity or "shield," federal statutory efforts have split into two general categories:

(1) Statutes that authorize an automatic or blanket immunity against forced release of information.

(2) Statutes that provide specified administrative officials with discretionary authority to confer protection or "shields" on selected researchers collecting or using identifiable research data.

An example of the first type of immunity is the provision regarding research and statistical information collected in projects funded by the Law Enforcement Assistance Administration. Specifically, this provision, contained in Section 524(a) of the Omnibus Crime Control and Safe Streets Act of 1968, (as amended) (42 U.S.C. 3771) provides that:

> "Except as provided by Federal law other than this chapter, no officer or employee of the Federal Government, nor any recipient of assistance under the provisions of this chapter shall use or reveal any research or statistical information furnished under this chapter by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this chapter. Copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.". . . "Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law."

This provision was also included as §262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) to insure that projects funded by LEAA under this act were also subject to the same confidentiality provisions.

The second statutory approach to immunity--that of "licensing" certain researchers--is exemplified by the statute which permits the Secretary of the Department of Health, Education, and Welfare to confer immunity on selected researchers. Specifically, the provision (42 U.S.C. 242a) states:

> "The Secretary may authorize persons engaged in research on mental health, including research on the use and effect of alcohol and other psychoactive drugs, to protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons so authorized to protect the privacy of such individuals may not be compelled in any Federal, State, or local civil, criminal, administrative, legislative, or other proceedings to identify such individuals.

STATE STATUTES

State governments have also recognized the need to strike a balance between individual privacy and release of data for research purposes. Although no example could be found of a state statute applicable to all areas of research activity, it is clear that a large number of State statutes governing the privacy and security of research and statistical information have been enacted in recent years. Additionally, a number of respondents to the survey reported that consideration was currently being given to additional legislation. It appears, therefore, that a body of law is evolving regarding the status and disposition of research and statistical information.

As in the case of Federal statutes, provisions of the State legislation, in general, limit disclosure of data in identifiable form (with or without "special" access rights for researchers) and/or provide immunity against subpoena of data collected for research purposes.

The specific subject matter of the state statutes may reflect the view that different types of research present different policy questions (and should be handled separately) or alternatively, the fact that the bulk of research authorization/immunity statutes were not enacted as specific pieces of legislation but rather as sections of comprehensive legislation dealing with state activity in a particular subject area (e.g., the issue of research access and researcher immunity was considered only in the context of specific legislation dealing with drug, mental health, or criminal history).

To assist in utilizing this compendium, the following tables have been prepared setting forth examples of legislation falling within specific categories. Specifically, Table 1 contains examples of statutes which permit special access by researchers to administrative information - subject to limitations on what the researcher may do with the data (generally through a requirement that the researcher sign a contractual agreement with the appropriate government agency). Table 2 identifies examples of State laws that place restrictions directly on a governmental agency maintaining records - usually restricting the agency's ability to release the information in identifiable form or for certain specified purposes. Table 3 includes examples of statutes providing for researcher "immunity" against forced release of identifiable data.

TABLE I

Statutes Granting Special Access Rights for Researchers: Privacy Required.

Several States have enacted statutes which permit researchers to have access to certain non-public administrative record systems contingent upon entering into some form of privacy "agreement." An illustration of this approach to privacy is Virginia's statute regarding dissemination of criminal history information, which allows access to:

> ". . . individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency which shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and insure the confidentiality and security of the data." 1/

Similar statutes have been enacted relating to the records of vital statistics agencies, parole and probation departments, mental health institutions, alcohol treatment facilities, and other agencies.

The privacy and security requirements vary considerably. A simple assurance of confidentiality is sufficient in several States; in others, detailed privacy requirements are set forth in the statute; in others, privacy requirements are to be set forth by regulation.

1/ Va. Code 19.2-389. For a more complete reproduction of this statute, see the attached Compendium.

TABLE 1

EXAMPLES OF STATE LAWS ALLOWING RESEARCHERS ACCESS TO INDIVIDUALLY IDENTIFIABLE DATA: CONFIDENTIALITY MUST BE MAINTAINED

STATE	RECORDS PERTAINING TO	PRIVACY AND SECURITY REQUIREMENT(S)	CITATION (year enacted)
Alabama	Youth Services Department	Anonymity must be preserved	55-289(42) (1973)
Arizona	Vital Statistics	Conditions prescribed by the Department of Health Services	36-340(B) (1967)
	Mental Health facilities	Rules prescribed by the Department of Health Services	36-509(5)
Connecticut	Mental Health facilities	Anonymity preserving procedures to be reviewed by the facility; detailed other requirements set forth in the statute	52-146(g) (1969)
Florida	Mental Health facilities	Information (must be) abstracted in such a way as to protect the identity of individuals	394.459(8)(d)
	Alcoholic Treatment Centers	Adequate assurances (must be given) that patient names and other identifying information will not be disclosed	396.112(3)
	Drug Treatment Centers	Adequate assurances (must be given) that patient names and other identifying information will not be disclosed	397.053(3) (1974)
Georgia	Alcoholic Treatment Centers	Information . . . shall not be published in a way that discloses patients' names or other identifying information	99-3914(b) (1974)

TABLE 1
(CONTINUED)

STATE	RECORDS PERTAINING TO	PRIVACY AND SECURITY REQUIREMENT(S)	CITATION (year enacted)
Louisiana	Reprieve, Pardon, and Parole	Researchers (must) guarantee in writing anonymity of all subjects	15-574.12(D)(3)
Maine	Alcoholic Treatment Centers	Information . . . shall not be published in a way that discloses patients' names or other identifying information	22-7121(2) (1973)
Minnesota	Vital Statistics	No identifying use thereof shall be made	144.175
Montana	Alcoholic Treatment Centers	Information . . . shall not be published in a way that discloses patients' names or other identifying information	80-2719(2) (1974)
Nevada	Alcoholic Treatment Centers	Information (shall not be) published in a way that discloses the patients' names or other identifying information	458.280(2) (1975)
Pennsylvania	Vital Statistics	Use of the records is limited to research purposes	450.805 (1953)
Tennessee	Vital Statistics	Rights of the individuals whose records are on file (may not be jeopardized)	53-425 (1950)
Utah	Vital Statistics	Consent from the state director of vital statistics must be obtained	26-15-26(2)

TABLE 1
(CONTINUED)

STATE	RECORDS PERTAINING TO	PRIVACY AND SECURITY REQUIREMENT(S)	CITATION (year enacted)
Virginia	Criminal offender history	Applicants must make a specific agreement to limit the use of data to research, evaluative, or statistical purposes, and to insure the confidentiality of the data	19.2-389 (1975)

TABLE II

State Laws Authorizing Release of Information in Unidentifiable Form Only

Several States have enacted statutes which provide that, generally research or statistical information may only be revealed, or published in non-identifiable form. As an illustration, Alabama authorizes the Criminal Justice Information Center to:

> ". . . Compile statistics on the nature and extent of crime in Alabama and compile data for planning and operating criminal justice agencies provided that such statistics do not identify persons.... Access to such information by such governmental agencies will be on an individual written request basis or in accordance with the approved operational procedure wherein must be demonstrated 1) a need to know, 2) the intent of any analyses, 3) dissemination of such analyses, and will be subject to any security provisions deemed necessary by the commission.
>
> '. . . Periodically publish statistics, no less frequently than annually, that do not identify persons, and report such information to the chief executive officers of the agencies and branches of government concerned." (emphasis supplied)

In many cases, (such as the Alabama statute), the restrictions on dissemination of identifiable data are incorporated into legislation authorizing the collection of data by established governmental agencies for well-established research or administrative purposes.

Penalties are often prescribed for violations, as in the case of the above cited Alabama statute which provides that:

> --Any person who knowingly communicates or seeks to communicate criminal offender record information, except in accordance with this article, shall upon conviction be guilty of a misdemeanor and for each such offense may be fined not less than five hundred dollars, nor more than ten thousand dollars, or imprisoned not less than thirty days, nor more than one year, or both.

*Alabama Code 10-373(152). For a more complete reproduction of this statute, see the attached Compendium.

TABLE 2

EXAMPLES OF STATE LAWS AUTHORIZING RELEASE OF INFORMATION IN NON-IDENTIFIABLE FORM ONLY

STATE	RESEARCH AND STATISTICAL INFORMATION PERTAINING TO	INFORMATION WHICH CANNOT BE DIVULGED	PENALTIES FOR VIOLATIONS
Alabama	Mental Health	information which would reasonably cause identification	fine, imprisonment, or both, at the discretion of the court
	Criminal offender/crime	provided that statistics do not identify persons	fine: $500-$10,000 imprisonment: 30 days to one year; or both
Alaska	Alcoholics/alcoholism	no information may disclose a patient's name	(none)
California	Criminal justice/crime	provided that all material identifying individuals has been removed	Misdemeanor
Connecticut	Mental Health	no dissemination of data which identifies a patient	Subject of the record may take injunctive action; initiate a civil suit for damages
Maryland	Juvenile behavior	information which names or otherwise identifies any person or persons	Misdemeanor: a fine of not more than $500

TABLE 2
(CONTINUED)

STATE	RESEARCH AND STATISTICAL INFORMATION PERTAINING TO	INFORMATION WHICH CANNOT BE DIVULGED	PENALTIES FOR VIOLATIONS
Massachusetts	Health and Health Services	identifiable data pertaining to the research project, information can be disclosed for the purpose of furthering the study or research project to which (the information) relates (may be released for medical research only)	Fine of $50
Michigan	Health and Health Services	Any information pertaining to the research project; information can be disclosed for the purpose of furthering the research project to which (the information) relates	(none)
Minnesota	Health and Health Services	No information disclosed except as may be necessary for the research project to which they relate	Misdemeanor
Missouri	Child Abuse Reports and Records	No information (may be) disclosed identifying the subjects of the reports and the reporters	Misdemeanor; fine not to exceed $1,000; imprisonment not to exceed one year; or both
New Hampshire	Medical/Scientific Research	Data shall not be exhibited nor their contents disclosed in whole or in part by any officer or employee or by any other person, except as may be necessary to further the study or research project	Fine: $250

TABLE 2
(CONTINUED)

STATE	RESEARCH AND STATISTICAL INFORMATION PERTAINING TO	INFORMATION WHICH CANNOT BE DIVULGED	PENALTIES FOR VIOLATIONS
New Jersey	Health and Health Services	Information and data . . . shall not be revealed except to persons within the Department (of Health), to other persons participating in such research studies, or in such impersonal form that the individual to whom the information or data relates cannot be identified therefrom.	Disorderly person
	Economic and Labor Statistics	Names of persons . . . shall in no case be printed (or) divulged.	(None)
New York	Parole and Correction	Commissioner of correctional services to make rules as to the privacy of statistics, records, and other information.	(None)

TABLE III

Statutes Which Provide For "Immunity"

Several States have enacted statutes which allow an administrative official or an agency to confer a legal shield upon researchers authorizing them to refuse to release identifiable information - even if requested pursuant to a subpoena. For example, the California Controlled Substances Act provides that:

> ". . . The Attorney General, with the approval of the Research Advisory Panel, may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

Some twenty-eight other States have enacted a similar law regarding drug research. In each State, some form of administrative action must take place before the legal shield is in place.

Several other "conferred" legal shields exist: Idaho, Indiana, and Michigan recognize a testimonial privilege for licensed psychologists conducting research into problems related to human behavior; Michigan and Minnesota protect from court ordered disclosure all information secured in connection with health studies authorized by Departments of Health; Pennyslvania recognizes a legal shield for researchers investigating the causes and effects of alcoholism; North Carolina protects all research and statistical information secured or procured by the Employment Service Division, Employment Security Commission.

*California Health & Safety 11603. For a more complete reproduction of the statute, see the Compendium.

TABLE 3

EXAMPLES OF STATE LAWS PROVIDING
FOR "CONFERRED" IMMUNITY

STATE	DATA COVERED BY STATUTE	CONFERRING OFFICIAL(S)	CITATION
Arkansas	Controlled Substances	Narcotic and Toxic Substances Control Commissioner	82-2832 (1971)
California	Controlled Substances	Attorney General and Research Advisory Panel	Health & Safety 11603 (1972)
Delaware	Controlled Substances	Secretary of the Department of Health and Social Services	16-4772 (1972)
Georgia	Controlled Substances	Board of Pharmacy	79A-831 (1974)
	Health Services	Various health agencies	88-1910 (1966)
Hawaii	Controlled Substances	Department of Health	329-58 (1972)
Idaho	Controlled Substances	Director, Department of Law Enforcement	37-2747 (1972)
	Problems of relating to human behavior (psychology)	Board of Psychology Examiners	54-2314
Illinois	Controlled Substances	Dangerous Drugs Commission	56 1/2-1508 (1971)

TABLE 3
(CONTINUED)

STATE	DATA COVERED BY STATUTE	CONFERRING OFFICIAL(S)	CITATION
Indiana	Conduct of research on human behavior	State Board of Examiners in Psychology	25-33-1-14 (1969)
	Controlled Substances	State Board of Pharmacy	35-24.1-5-8
Iowa	Controlled Substances	Department of Public Safety	204.504 (1973)
Kansas	Controlled Substances	Board of Pharmacy	65-4134 (1942)
Kentucky	Controlled Substances	Narcotics Rehabilitation Commission	40-992(C)
Louisiana	Controlled Substances	Department of Mental Health	210.057
Michigan	Controlled Substances	Administrator, State Board of Pharmacy	335-358 (1971)
	Health and Health Services	Department of Health	325.132
Minnesota	Health and Health Services	State Board of Health	144.053(2) (1955)
Montana	Controlled Substances	Board of Pharmacists	54-323(3)
Nebraska	Controlled Substances	Department of Health	28-4,138(5)
Nevada	Controlled Substances	Board of Pharmacy	453.291 (1971)

TABLE 3
(CONTINUED)

STATE	DATA COVERED BY STATUTE	CONFERRING OFFICIAL(S)	CITATION
New Hampshire	Medical/Scientific Research	Commissioner of Health and Welfare	126A:4a(III)
New Mexico	Controlled Substances	Board of Pharmacy	453.291 (1971)
North Carolina	Controlled Substances	North Carolina Drug Authority	90-113.3(e)
	Employment, labor, and economic developments	Employment Security Commission	96-23
North Dakota	Controlled Substances	State Laboratories Department	19-03.1-35(3)
Oklahoma	Controlled Substances	Director, State Board of Narcotics and Dangerous Drugs	63-2-106(G)
Pennsylvania	Controlled Substances and Alcoholism	Governor's Council on Drug and Alcohol Abuse	71-1690.104(8)
	Controlled Substances	Department of Health	35-780-137(c) (1972)
South Carolina	Controlled Substances	Board of Pharmacy	32-1510.11(g)
South Dakota	Controlled Substances	Department of Health	39-13-148
Tennessee	Controlled Substances	Bureau of Criminal Identifications	52-1446(a) (1975)
Texas	Controlled Substances	Director, Department of Public Safety	Vernon's 4476-15

TABLE 3
(CONTINUED)

STATE	DATA COVERED BY STATUTE	CONFERRING OFFICIAL(S)	CITATION
West Virginia	Controlled Substances	Board of Pharmacy	60A-5-508(g)
Wisconsin	Controlled Substances	Controlled Substances Board	161.335(7)
Wyoming	Controlled Substances	Attorney General	35-347.52(d)

Miscellaneous State Statutes

Several State statutes relating to the confidentiality of research and statistical information are not easily categorized. The New York legislature, for example, enacted a statute which protects research data acquired by a single project, the Multi-State Information System for Psychiatric Patients. 1/ All data collected in connection with this particular project are inadmissable as evidence before any court, tribunal or administrative agency.

The New York legislature has also enacted a statute which requires, under penalty, the protection of research subjects from any "physical, psychological, or social harm."2/

New York and New Jersey have enacted statutes that require researchers investigating the use and abuse of controlled substances to divulge the identities of research subjects to the Commissioner of Public Health.3/ The Commissioner is then required to maintain the confidentiality of the information obtained.

Since such legislation cannot be easily classified, no chart of such statutes has been prepared.

1/N.Y. Civ. Rights Law 79-j(2) (1973). For a reproduction of this statute, see the Compendium.

2/N.Y. Pub. Health Law 24A(1975). For a reproduction of this statute, see the Compendium.

3/N.Y. Pub. Health Law 3371(1972); N.J. Rev. Stat. 24:21-39. For reproductions of these statutes, see the Compendium.

COMPENDIUM OF STATE STATUTES

CODE OF ALABAMA

TITLE 22.
Health.

CHAPTER 14.
Department of Mental Health.

ARTICLE 3.
Information, Records and Research Data.

§ 336(1). Legislative intent.—It is the intent and purpose of the legislature of the state of Alabama in this enactment to facilitate the collection of appropriate information, records and research data and to protect the individuals involved. (1971, No. 1891, p. 3078, § 1, appvd. Sept. 20, 1971.)

§ 336(2). Disclosure of information, records, etc.—No employee of any of the facilities under the management, control, supervision or affiliated with Alabama mental health board shall be required to disclose any record, report, case history, memorandum or other information, oral or written, which may have been acquired, made or compiled in attending or treating any patient of said facilities in a professional character, when such information was necessary in order to evaluate or treat said patient or to do any act for him in a professional capacity, unless a court of competent jurisdiction shall order disclosure for the promotion of justice; provided that where a person is defendant in a criminal case and a mental examination of such defendant has been ordered by the court, the results or the report of such mental examination shall be forwarded to the clerk of said court and to the solicitor or prosecutor and to the attorney of record for the defendant. (1971, No. 1891, p. 3079, § 2, appvd. Sept. 20, 1971.)

§ 336(3). Commissioner authorized to receive research data; identification of persons reporting data prohibited; penalty. — The commissioner of mental health or his authorized agent is hereby authorized to receive data from private or public agencies or agents for the purpose of research and study in mental health. All data received shall be used by the commissioner or persons designated by him for research and study and for program planning. No criminal or civil action may be brought against any person or agency who shall provide or submit such data to the commissioner.

The commissioner of mental health or any person shall not disclose, release, or divulge any information which might reasonably cause identification of a reported or reporting person under the provisions of this section.

Violation of this section constitutes a misdemeanor, and upon conviction the defendant shall be punished by fine or imprisonment, or both in the discretion of the court. (1971, No. 1891, p. 3079, § 3, appvd. Sept. 20, 1971.)

* * * * * * *

TITLE 55.

State.

CHAPTER 7A.

Department of Youth Services.

§ 289(12). Definitions.—The following terms, wherever used in this chapter, shall have the following respective meanings unless the content thereof indicates otherwise:

(e) "Department" means the department of youth services established herein.

(t) "Youth" means any person who has not reached his sixteenth birthday for whom a petition has been filed alleging delinquency based on actions the said person is alleged to have committed before his sixteenth birthday, or as provided by law relating to local or state jurisdiction, and for the purpose of continuing to provide service only, any person under the age of twenty-one who is already on probation or in aftercare or in the legal custody of the department.

§ 289(42). Restrictions on release or use of records.—It shall be unlawful, except for purposes directly connected with the administration of this chapter, or as herein provided, and in accordance with regulations of the department, for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any information concerning any youth for whom the department provides social services or care in accordance with the provisions of this chapter, and derived from the records, papers, files, or communications of the department, or of any agency or facility utilized by the department in providing services to any youth or acquired in the course of the performance of official duties.

Nothing contained in this section shall preclude the disclosure of information secured in the performance of functions under this chapter upon order of the court which vested legal custody of the youth in the department, in any one of the following circumstances: (a) in subsequent proceedings for delinquency involving the same youth; (b) to other youth care agencies which subsequently provide services to the said youth; (c) in any issue of custody before a court in which the court finds that such disclosure is necessary to protect the general welfare of the youth; (d) for research purposes where anonymity is preserved. (1973, No. 816, § 32, appvd. Sept. 5, 1973.)

* * * * * * *

ALABAMA

CHAPTER 10.

BOARDS AND COMMISSIONS.

ARTICLE 26.

CRIMINAL JUSTICE INFORMATION CENTER COMMISSION.

§ 373(152). Powers and duties of commission as to collection, dissemination, etc., of crime and offender data, etc., generally. — The Alabama criminal justice information center commission acting through the director of the Alabama criminal justice information center shall:

(1) Develop, operate and maintain an information system which will support the collection, storage, retrieval, analysis and dissemination of all crime and offender data described in this article consistent with those principles of scope, security and responsiveness prescribed by this article.

(2) Cooperate with all criminal justice agencies within the state in providing those forms, procedures, standards and related training assistance necessary for the uniform operation of the statewide ACJIC crime reporting and criminal justice information system.

(3) Offer assistance and, when practicable, instruction to all criminal justice agencies in establishing efficient systems for information management.

(4) Compile statistics on the nature and extent of crime in Alabama and compile data for planning and operating criminal justice agencies, provided that such statistics do not identify persons. The commission will make available all such statistical information obtained, to the governor, the legislature, the judiciary, and any such other governmental agencies whose primary responsibilities include the planning, development, or execution of crime reduction programs. Access to such information by such governmental agencies will be on an individual written request basis or in accordance with the approved operational procedure wherein must be demonstrated 1) a need to know, 2) the intent of any analyses, 3) dissemination of such analyses; and will be subject to any security provisions deemed necessary by the commission.

(5) Periodically publish statistics, no less frequently than annually, that do not identify persons, and report such information to the chief executive officers of the agencies and branches of government concerned. Such information shall accurately reflect the level and nature of crime in this state and the general operation of the agencies within the criminal justice system.

(6) Make available, upon request, to all criminal justice agencies in this state, to all federal criminal justice and criminal identification agencies and to state criminal justice and criminal identification agencies in other states any information in the files of the ACJIC which will aid these agencies in crime fighting. For this purpose the ACJIC shall operate 24 hours per day, 7 days per week.

(7) Cooperate with other agencies of this state, the crime information agencies of other states, and the uniform crime reports and national crime information center systems of the Federal Bureau of Investigation or any entity designated by federal government as the central clearing house for criminal justice information systems in developing and conducting an interstate, national and international system of criminal identification, records and statistics.

(8) Provide the administrative mechanisms and procedures necessary to respond to those individuals who file requests to view their own records as provided for elsewhere in this article and to cooperate in the correction of the

central ACJIC records and those of contributing agencies when their accuracy has been successfully challenged either through the related contributing agencies or by court order issued on behalf of the individual.

(9) Institute the necessary measures in the design, implementation, and continued operation of the criminal justice information system to ensure the privacy and security of the system. Such security measures must meet standards to be set by the commission as well as those set by the nationally operated systems for interstate sharing of such information. (1975, No. 872, § 10, appvd. Oct. 7, 1975.)

§ 373(173). Unconstitutional, etc., invasions of privacy of citizens not authorized by article; disclosure of criminal histories, etc., which might lead to identification of individuals to whom information pertains not to be made to persons, agencies, etc., not having "need to know" or "right to know." — Nothing in this article shall be construed to give authority to any person, agency or corporation or other legal entity to invade the privacy of any citizen as defined by the Constitution, the legislature or the courts other than to the extent provided in this article.

Disclosure of criminal histories or other information that may directly or otherwise lead to the identification of the individual to whom such information pertains, may not be made to any person, agency, corporation or other legal entity that has neither the "need to know" nor the "right to know" as determined by the commission pursuant to section 373(135) of this article. (1975, No. 872, § 31, appvd. Oct. 7, 1975.)

§ 373(178). Communication, etc., of criminal offender record information in violation of article. — Any person who knowingly communicates or seeks to communicate criminal offender record information, except in accordance with this article, shall upon conviction be guilty of a misdemeanor and for each such offense may be fined not less than five hundred dollars, nor more than ten thousand dollars, or imprisoned not less than thirty days, nor more than one year, or both. (1975, No. 872, § 36, appvd. Oct. 7, 1975.)

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ALASKA STATUTES

Title 47
Welfare, Social Services and Institutions

Chapter 37. Uniform Alcoholism and Intoxication Treatment Act.

* * *

Sec. 47.37.210. Records of alcoholics and intoxicated persons. (a) The registration and other records of treatment facilities shall remain confidential and are privileged to the patient.

(b) Notwithstanding (a) of this section, the coordinator may make available information from patient's records for purposes of research into the causes and treatment of alcoholism. No information may disclose a patient's name. (§ 1 ch 207 SLA 1972)

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ARIZONA STATUTES

TITLE 36
PUBLIC HEALTH AND SAFETY

CHAPTER 3
VITAL STATISTICS

ARTICLE 2. REGISTRATION REQUIREMENTS, PROCEDURES AND CERTIFICATES

§ 36-340. Disclosure of records; violation

A. To protect the integrity of vital records, to insure their proper use and to insure the efficient and proper administration of the vital statistics system, it shall be unlawful for any person to permit inspection of any vital record in his custody, to disclose information contained therein, or to transcribe or issue a reproduction of all or part of any such record except as authorized by this chapter and the regulations promulgated hereunder.

B. Subject to conditions prescribed by the director of the department of health services, data contained on records, including medical information, may be used for research and statistical purposes. The director of the department of health services may provide by regulation for other and further disclosure of data contained in vital records for statistical and research purposes.

C. Information contained in vital records indicating that a birth occurred out-of-wedlock and from which any person could be identified shall not be disclosed except as provided by specific regulation of the director of the department of health services or upon order of a court of competent jurisdiction.

Added Laws 1967, Ch. 77, § 2, eff. Jan. 1, 1968. As amended Laws 1973, Ch. 158, § 65.

* * * * * * *

CHAPTER 5
MENTAL HEALTH SERVICES

§ 36-501. Definitions

5. "Department" means the state department of health services.

§ 36-509. Confidential records

All information and records obtained in the course of evaluation, examination or treatment shall be kept confidential and not as public records, except as the requirements of a hearing pursuant to this chapter may necessitate a different procedure. Information and records may only be disclosed, pursuant to rules established by the department, to:

1. Physicians and providers of health, mental health or social and welfare services involved in caring, treating or rehabilitating the patient.

2. Individuals to whom the patient has given consent to have information disclosed.

3. Persons legally representing the patient, and in such case, the department's rules shall not delay complete disclosure.

4. Persons authorized by a court order.

5. Persons doing research or maintaining health statistics, provided that the department establishes rules for the conduct of such research, as will insure the anonymity of the patient.

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ARKANSAS STATUTES

TITLE 82

PUBLIC HEALTH AND SAFETY

CHAPTER 26—CONTROLLED SUBSTANCES ACT

ARTICLE I

82-2601. Uniform controlled substances act—Definitions.—As used in this Act [§§ 82-2601—82-2638]:

* * *

(t) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.

* * *

(x) "Commissioner" shall mean the Narcotic and Toxic Substances Control Commissioner.

* * *

82-2628. Inter-governmental cooperation — Identities of patients and research subjects.

(c) A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the Commissioner nor may he be compelled in any State or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential. [Acts 1971, No. 590, Art. 5, § 4, p. 1321.]

82-2632. Educational programs — Research. — (a) The Commissioner shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances.

(d) The Commissioner may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

* * * * * * *

CALIFORNIA CODES

HEALTH AND SAFETY CODE

Division 10

UNIFORM CONTROLLED SUBSTANCES ACT

Chapter 11

EDUCATIONAL PROGRAMS

§ 11603. Protection of persons who are subjects of research

The Attorney General, with the approval of the Research Advisory Panel, may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

(Added by Stats.1972, c. 1407, p. 3069, § 3.)

* * * * * * *

§ 11480. Marijuana and hallucinogenic drug research; research advisory panel; hearings; projects

The Legislature finds that there is a need to encourage further research into the nature and effects of marijuana and hallucinogenic drugs and to coordinate research efforts on such subjects.

There is a Research Advisory Panel which consists of a representative of the State Department of Health, a representative of the California State Board of Pharmacy, a representative of the Attorney General, a representative of the University of California who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences, a representative of a private university in this state who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences, a representative of a statewide professional medical society in this state who shall be engaged in the private practice of medicine and shall be experienced in treating controlled substance dependency, and a representative appointed by and serving at the pleasure of the Governor, who shall hold a doctorate degree in the health sciences and shall have experience in drug abuse or controlled substance research. The Governor shall annually designate the private university and the professional medical society represented on the panel. Members of the panel shall be appointed by the heads of the entities to be represented, and they shall serve at the pleasure of the appointing power.

The panel shall annually select a chairman from among its members.

The panel may hold hearings on, and in other ways study, research projects concerning marijuana or hallucinogenic drugs in this state. Members of the panel shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties.

The panel may approve research projects, which have been registered by the Attorney General, into the nature and effects of marijuana or hallucinogenic drugs, and shall inform the Attorney General of the head of such approved research projects which are entitled to receive quantities of marijuana pursuant to Section 11478.

The panel may withdraw approval of a research project at any time, and when approval is withdrawn shall notify the head of the research project to return any quantities of marijuana to the Attorney General.

The panel shall report annually to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, and, where available, the conclusions of the research project.

(Added by Stats.1972, c. 1407, p. 3027, § 3. Amended by Stats.1973, c. 142, p. 399, § 39.5, eff. June 30, 1973, operative July 1, 1973; Stats.1974, c. 545, p. —, § 61; Stats.1974, c. 1403, p. —, § 8.)

§ 11481. Research advisory panel; hearings and studies; project approval; reports

The Research Advisory Panel may hold hearings on, and in other ways study, research projects concerning the treatment of abuse of controlled substances.

The panel may approve research projects, which have been registered by the Attorney General, concerning the treatment of abuse of controlled substances and shall inform the chief of such approval. The panel may withdraw approval of a research project at any time and when approval is withdrawn shall so notify the chief.

The panel shall, annually and in the manner determined by the panel, report to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, and where available, the conclusions of the research project.

(Added by Stats.1972, c. 1407, p. 3028, § 3)

* * * * * * * *

PENAL CODE

ARTICLE 2. DUTIES OF THE BUREAU

§ 13010. Collection of data; forms; records; furnishing data to federal agencies; reports; review and recommendations

It shall be the duty of the * * * department:

(a) To collect data necessary for the work of the * * * department from all persons and agencies mentioned in Section 13020 and from any other appropriate source;

(b) To prepare and distribute to all such persons and agencies, cards or other forms used in reporting data to the * * * department. Such cards or forms may, in addition to other items, include items of information needed by federal bureaus or departments engaged in the development of national and uniform criminal statistics;

(c) To recommend the form and content of records which must be kept by such persons and agencies in order to insure the correct reporting of data to the * * * department;

(d) To instruct such persons and agencies in the installation, maintenance, and use of such records and in the reporting of data therefrom to the * * * department;

(e) To process, tabulate, analyze and interpret the data collected from such persons and agencies;

(f) To supply, at their request, to federal bureaus or departments engaged in the collection of national criminal statistics data they need from this state; * * *

(g) To present to the Governor, on or before July 1st, a printed annual report containing the criminal statistics of the preceding calendar year and to present at such other times as the Attorney General may approve reports on special aspects of criminal statistics. A sufficient number of copies of all reports shall be printed or otherwise prepared to enable the Attorney General to send a copy to all public officials in the state dealing with criminals and to distribute them generally in channels where they will add to the public enlightenment * * *; and

(h) To periodically review the requirements of units of government using criminal justice statistics, and to make recommendations * * * for changes it deems necessary in the design of criminal justice statistics systems, including new techniques of collection and processing made possible by automation.
(Amended by Stats.1971, c. 1203, p. 2297, § 1; Stats.1972, c. 1377, p. 2855, § 119.2.)

§ 13011. Statistical and research agency

The * * * department may serve as statistical and research agency to the Department of Corrections, the Adult Authority, the Board of Corrections, the Department of the Youth Authority and the California Women's Board of Terms and Parole.

(Amended by Stats.1972, c. 1377, p. 2855, § 119.3.)

§ 13012. Contents of annual report

The annual report of the * * * department provided for in Section 13010 shall contain statistics showing:

(a) The amount and the types of offenses known to the public authorities;

(b) The personal and social characteristics of criminals and delinquents; and

(c) The administrative actions taken by law enforcement, judicial, penal and correctional agencies or institutions in dealing with criminals or delinquents.

It shall be the duty of the * * * department to give adequate interpretation of such statistics and so to present the information that it may be of value in guiding the policies of the Legislature and of those in charge of the apprehension, prosecution and treatment of the criminals and delinquents, or concerned with the prevention of crime and delinquency. The report shall include also statistics which are comparable with national uniform criminal statistics published by federal bureaus or departments heretofore mentioned.

(Amended by Stats.1972, c. 1377, p. 2855, § 119.4.)

ARTICLE 3. DUTIES OF PUBLIC AGENCIES AND OFFICERS

§ 13020. Records, reports; access to data

It shall be the duty of every constable, city marshal, chief of police, railroad and steamship police, sheriff, coroner, district attorney, city attorney and city prosecutor having criminal jurisdiction, probation officer, county board of parole commissioners, work furlough administrator, the Department of Justice, * * * Health and Welfare Agency, Department of Corrections, Adult Authority, Department of Youth Authority, California Women's Board of Terms and Parole, * * * State Department of * * * Health, Department of * * * Benefit Payments, State Fire Marshal, Liquor Control Administrator, constituent agencies of the State Department of Investment, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:

(a) To install and maintain records needed for the correct reporting of statistical data required by him;

(b) To report statistical data to the department at such times and in such manner as the Attorney General prescribes;

(c) To give to the Attorney General, or his accredited agent, access to statistical data for the purpose of carrying out the provisions of this title.

(Amended by Stats.1972, c. 1377, p. 2856, § 119.5; Stats.1973, c. 142, p. 409, § 55.4; Stats.1973, c. 1212, p. 2754, § 65.)

CALIFORNIA

CHAPTER 2. CRIMINAL OFFENDER RECORD INFORMATION

ARTICLE 1. LEGISLATIVE FINDINGS AND DEFINITIONS

§ 13100. Legislative declaration

The Legislature finds and declares as follows:

(a) That the criminal justice agencies in this state require, for the performance of their official duties, accurate and reasonably complete criminal offender record information.

(b) That the Legislature and other governmental policymaking or policy-researching bodies, and criminal justice agency management units require greatly improved aggregate information for the performance of their duties.

(c) That policing agencies and courts require speedy access to information concerning all felony and selected misdemeanor arrests and final dispositions of such cases.

(d) That criminal justice agencies may require regular access to detailed criminal histories relating to any felony arrest that is followed by the filing of a complaint.

(e) That, in order to achieve the above improvements, the recording, reporting, storage, analysis, and dissemination of criminal offender record information in this state must be made more uniform and efficient, and better controlled and coordinated.

(Added by Stats.1973, c. 992, p. 1900, § 1, operative July 1, 1978.)

§ 13101. Criminal justice agencies

As used in this chapter, "criminal justice agencies" are those agencies at all levels of government which perform as their principal functions, activities which either:

(a) Relate to the apprehension, prosecution, adjudication, incarceration, or correction of criminal offenders; or

(b) Relate to the collection, storage, dissemination or usage of criminal offender record information.

(Added by Stats.1973, c. 992, p. 1900, § 1, operative July 1, 1978.)

§ 13102. Criminal offender record information

As used in this chapter, "criminal offender record information" means records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and of maintaining as to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.

Such information shall be restricted to that which is recorded as the result of an arrest, detention, or other initiation of criminal proceedings or of any consequent proceedings related thereto. It shall be understood to include, where appropriate, such items for each person arrested as the following:

(a) Personal identification.

(b) The fact, date, and arrest charge; whether the individual was subsequently released and, if so, by what authority and upon what terms.

(c) The fact, date, and results of any pretrial proceedings.

(d) The fact, date, and results of any trial or proceeding, including any sentence or penalty.

(e) The fact, date, and results of any direct or collateral review of that trial or proceeding; the period and place of any confinement, including admission, release; and, where appropriate, readmission and rerelease dates.

(f) The fact, date, and results of any release proceedings.

(g) The fact, date, and authority of any act of pardon or clemency.

(h) The fact and date of any formal termination to the criminal justice process as to that charge or conviction.

(i) The fact, date, and results of any proceeding revoking probation or parole.

It shall not include intelligence, analytical, and investigative reports and files, nor statistical records and reports in which individuals are not identified and from which their identities are not ascertainable.

(Added by Stats.1973, c. 992, p. 1900, § 1, operative July 1, 1978.)

ARTICLE 5. ACCESS TO INFORMATION

§ 13202. Public agencies and research bodies; aggregated information; removal of individual identification; costs

Every public agency or research body immediately concerned with the prevention or control of crime, the quality of criminal justice, or the custody or correction of offenders shall be provided with such aggregated criminal offender record information as is required for the performance of its duties, or the execution of research projects relating to the activities of criminal justice agencies or changes in legislative or executive policies, insofar as the technical or financial resources of statistical agencies permit, provided that all material identifying individuals has been removed, and provided that such agency or body pays the cost of the processing of such data when necessary.
(Added by Stats.1973, c. 992, p. 1914, § 1, operative July 1, 1978.)

§ 13301. "Record"; "a person authorized by law to receive a record" defined

As used in this article

(a) "Record" means the master local summary criminal history information as defined in subdivision (a) of Section 13300, or a copy thereof.

(b) "A person authorized by law to receive a record" means any person or public agency authorized by a court, statute, or decisional law to receive a record.
(Added by Stats.1975, c. 1222, p. —, § 6, operative July 1, 1978.)

§ 13302. Furnishing to unauthorized person by employee of local agency

Any employee of the local criminal justice agency who knowingly furnishes a record or information obtained from a record to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.
(Added by Stats.1975, c. 1222, p. —, § 6, operative July 1, 1978.)

§ 13303. Furnishing to unauthorized person by authorized person

Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.
(Added by Stats.1975, c. 1222, p. —, § 6, operative July 1, 1978.)

§ 13304. Receipt, purchase or possession by unauthorized person

Any person, except those specifically referred to in Section 1070 of the Evidence Code, who, knowing he is not authorized by law to receive a record or information obtained from a record, knowingly buys, receives, or possesses the record or information is guilty of a misdemeanor.
(Added by Stats.1975, c. 1222, p. —, § 6, operative July 1, 1978.)

§ 13305. Statistical data, data for apprehension of purported criminal, and data in public records; authorized use

(a) It is not a violation of this article to disseminate statistical or research information obtained from a record, provided that the identity of the subject of the record is not disclosed.

(b) It is not a violation of this article to disseminate information obtained from a record for the purpose of assisting in the apprehension of a person wanted in connection with the commission of a crime.

(c) It is not a violation of this article to include information obtained from a record in (1) a transcript or record of a judicial or administrative proceeding or (2) any other public record when the inclusion of the information in the public record is authorized by a court, statute, or decisional law.
(Added by Stats.1975, c. 1222, p. —, § 6, operative July 1, 1978.)

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Colorado
Revised Statutes

(NONE)

CONNECTICUT GENERAL STATUTES

Title 52

CIVIL ACTIONS

CHAPTER 899
EVIDENCE

Sec. 52-146g. Access to communications by persons engaged in research. Persons engaged in research may have access to psychiatric communications and records which identify patients where needed for such research, provided such communications and records shall not be removed from the mental health facility which prepared them. Data which does not identify patients or coded data may be removed from a mental health facility, provided the key to such code shall remain on the premises of the facility. Where the person engaged in research is to have access to communications and records, the research plan first shall be submitted to, and approved by, the director of the mental health facility or his designee. The mental health facility, together with the person doing the research, shall be responsible for the preservation of the anonymity of the patients and shall not disseminate data which identifies a patient except as provided by sections 52-146d to 52-146j, inclusive.

(1969, P.A. 819, S. 5.)

Sec. 52-146d. (Formerly Sec. 52-146a). Privileged communications between psychiatrist and patient. As used in sections 52-146d to 52-146j, inclusive, "patient" means a person who, communicates with, or is treated by, a psychiatrist in diagnosis or treatment; "psychiatrist" means a person licensed to practice medicine who devotes a substantial portion of his time to the practice of psychiatry, or a person reasonably believed by the patient to be so qualified;

"authorized representative" means a person empowered by the patient to assert the confidentiality of communications or records as established by sections 52-146d to 52-146j, inclusive, or, if the patient is incompetent to assert or waive his privileges hereunder, a guardian or conservator who has previously been appointed or is appointed to act in place of the patient, except that the nearest relative of such a patient may maintain the confidentiality until such time as such guardian or conservator has been appointed, or, if the patient is deceased, his personal representative or next of kin; "consent" means consent given in writing by the patient or his authorized representative; "communications and records" means all communications relating to diagnosis or treatment of the patient's mental condition between patient and psychiatrist, or between members of the patient's family and psychiatrist, or between any of the foregoing and such persons who participate under the supervision of the psychiatrist in the accomplishment of the objectives of diagnosis and treatment, or records thereof, oral or written, wherever made, including communications and records which occur in or are prepared at a mental health facility. "Mental health facility" includes any hospital, clinic, ward, psychiatrist's office or other facility, public or private, which provides inpatient or outpatient service, in whole or in part, relating to the diagnosis or treatment of a patient's mental condition. Communications and records "identify" a patient and such communications and records are "identifiable" if, in connection therewith (1) names or other descriptive data are used from which a person acquainted with the patient might reasonably recognize such patient as the person referred to or (2) codes or numbers in general use outside the mental health facility which prepared such communications and records are used.

(1961, P.A. 529; 1969, P.A. 819, S. 1.)

Case decided before effective date of statute. 150 C. 689. Cited. 152 C. 510, 512. Cited. 28 CS 57.

Sec. 52-146e. Disclosure of communications. (a) All communications and records as defined in section 52-146d shall be confidential and shall be subject to the provisions of sections 52-146d to 52-146j, inclusive. Any consent given hereunder shall specify to what person or agency the information is to be disclosed and to what use it will be put. Each patient shall be informed that refusal to grant consent will in no way jeopardize his right to obtain present or future treatment except where disclosure of such communications and records is necessary for treatment of such patient. The patient or his authorized representative may withdraw any consent given under the provisions of this section at any future time in a writing addressed to the person or office in which the original consent was filed. Withdrawal of consent shall in no way affect communications or records disclosed prior to notice of such withdrawal. (b) Except as hereinafter provided, no person shall disclose or transmit any of the foregoing communications or records where the patient is identifiable, or the substance or any part or parts or any resume thereof, to any person, any corporation or any governmental agency, municipal, state or federal, without the consent of the patient or his authorized representative.

(1969, P.A. 819, S. 2, 3.)

Sec. 52-146f. Consent not required for disclosure, when. Consent of the patient shall not be required for the disclosure or transmission of communications or records of the patient in the following situations as specifically limited: (a) Communications or records may be disclosed to other persons engaged in the diagnosis or treatment of the patient or may be transmitted to

another mental health facility to which the patient is admitted for diagnosis or treatment if the psychiatrist in possession of the communications or records determines that such disclosure or transmission is needed to accomplish the objectives of diagnosis or treatment. The patient shall be informed that such communications or records will be so disclosed or transmitted. For purposes of this subsection, persons in professional training are to be considered as engaged in the diagnosis or treatment of the patients.

(b) Communications or records may be disclosed when the psychiatrist determines that there is substantial risk of imminent physical injury by the patient to himself or others or when a psychiatrist, in the course of diagnosis or treatment of the patient, finds it necessary to disclose such communications or records for the purpose of placing the patient in a mental health facility, whether by certification, commitment or otherwise, provided the provisions of sections 52-146d to 52-146j, inclusive, shall continue in effect after the patient is in such facility.

(c) Except as provided in section 17-295c, the name, address and fees for psychiatric services to a patient may be disclosed to individuals or agencies involved in the collection of fees for such services. In cases where a dispute arises over such fees or claims or where additional information is needed to substantiate the fee or claim such disclosure of further information shall be limited to the following: (1) That the person was in fact a patient; (2) diagnosis; (3) dates and duration of treatment and (4) a general description of the treatment, which shall include evidence that a treatment plan exists and has been carried out and evidence to substantiate the necessity for admission and length of stay in a health care institution or facility. If further information is required, the party seeking such information shall proceed in the same manner provided for hospital patients in section 4-105.

(d) Communications made to or records made by a psychiatrist in the course of a psychiatric examination ordered by a court or made in connection with the application for the appointment of a conservator by the probate court for good cause shown may be disclosed at judicial or administrative proceedings in which the patient is a party, or in which the question of his incompetence because of mental illness is an issue, or in appropriate pretrial proceedings, provided such court finds that the patient has been informed before making such communications that any communications will not be confidential and provided such communications shall be admissible only on issues involving the patient's mental condition.

(e) Communications or records may be disclosed in a civil proceeding in which the patient introduces his mental condition as an element of his claim or defense, or, after the patient's death, when such condition is introduced by any party claiming or defending through or as a beneficiary of the patient and the court or judge finds that it is more important to the interests of justice that the communications be disclosed than that the relationship between patient and psychiatrist be protected.

(1969, P.A. 819, S. 4; 1971, P.A. 81; P.A. 74-215, S. 2, 3)

Sec. 52-146h. Transfer of information to mental health commissioner. Storage of records and communications. Any mental health facility may transmit information and records, if requested, to the commissioner of mental health pursuant to his obligation under section 17-211 to maintain, subject to the approval of the board of mental health, the overall responsibility for the care and treatment of the mentally ill. The commissioner of mental health may collect and use such information and records for administration, planning or research, subject to the provisions of section 52-146g. The commissioner of mental health may enter into contracts within the state and into interstate compacts for the efficient storage and retrieval of such information and records. Identifiable data shall be removed from all records and reports of information before issuance from the mental health facility which prepared them, and a code, the key to which shall remain in possession of the issuing facility and be otherwise available only to the commissioner of mental health for purposes of planning, administration or research, shall be the exclusive means of effecting an identification of patients. The key to such code shall not be available to any data banks in which the information is stored or to any other persons, corporations or agencies, private or governmental.

(1969, P.A. 819, S. 6.)

Sec. 52-146i. Labeling of confidential records. All written communications or records disclosed to another person or agency shall bear the following statement: "The confidentiality of this record is required under chapter 899 of the Connecticut general statutes. This material shall not be transmitted to anyone without written consent or other authorization as provided in the aforementioned statutes." A copy of the consent form specifying to whom and for what specific use the communication or record is transmitted or a statement setting forth any other statutory authorization for transmittal and the limitations imposed thereon shall accompany such communication or record. In cases where the disclosure is made orally, the person disclosing the information shall inform the recipient that such information is governed by the provisions of sections 52-146d to 52-146j, inclusive.

(1969, P.A. 819, S. 7.)

Sec. 52-146j. Judicial relief. Any person aggrieved by a violation of sections 52-146d to 52-146j, inclusive, may petition the superior court for the county in which such person resides, or, in the case of a nonresident of the state, the superior court for Hartford county, for appropriate relief, including temporary and permanent injunctions, and such petition shall be privileged with respect to assignment for trial. Any person aggrieved by a violation of said sections may prove a cause of action for civil damages.

(1969, P.A. 819, S. 8.)

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DELAWARE CODE

TITLE 16
Health and Safety

CHAPTER 47. UNIFORM CONTROLLED SUBSTANCES ACT

§ 4701. Definitions.

(23) "Practitioner" means:

a. A physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of his professional practice or research in this State.

b. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of its professional practice or research in this State.

(25) "Secretary" means Secretary of the Department of Health and Social Services of the State or his designee.

§ 4768. Cooperative arrangements and confidentiality.

(c) A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the Secretary nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential. (16 Del. C. 1953, § 4768; 58 Del. Laws, c. 424, § 1.)

§ 4772. Education and research.

(d) The Secretary may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

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FLORIDA STATUTES

TITLE XXVII
PUBLIC HEALTH

CHAPTER 394
MENTAL HEALTH

394.459 Rights of patients

(8) **Clinical record; confidentiality.**—A clinical record for each patient shall be maintained. The record shall include data pertaining to admission and such other information as may be required under regulations of the department. Unless waived by the patient or his guardian or attorney, the privileged and confidential status of the clinical record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency. The clinical record shall not be a public record and no part of it shall be released, except:

(a) The record may be released to physicians, attorneys, and government agencies as designated by the patient, his guardian or his attorney.

(b) The record shall be produced in response to a subpoena or released to persons authorized by order of court, excluding matters privileged by other provisions of law.

(c) The record or any part thereof may be disclosed to a qualified researcher, a staff member of the facility, or an employee of the department when the administrator of the facility or secretary of the department deems it necessary for treatment of the patient, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

(d) Information from the clinical records may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

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CHAPTER 396
CONTROL OF ALCOHOLISM

396.112 Records of alcoholics and intoxicated persons

(1) The registration and other records of emergency services and of other treatment resources, whether inpatient, intermediate or outpatient, utilized under this chapter shall remain confidential, and information which has been entered in the records shall be considered privileged information.

(2) No part of the treatment records shall be disclosed without the consent of the person to whom it pertains, but appropriate disclosure may be made without such consent to treatment personnel for use in connection with his treatment and to counsel representing the person in any proceeding held pursuant to § 396.102. Disclosure may also be made without consent upon court order for purposes unrelated to treatment after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information to be disclosed against the possible harm of disclosure to the person to whom such information pertains.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the secretary or his designees may open patients' records for purposes of significant research into the causes and treatment of alcoholism. The secretary shall not open such records, however, unless application is made by a researcher or research agency of professional repute, and unless the need for the records and the significance of the research for which they are to be used has been demonstrated to his satisfaction. Records shall not be opened under this subsection unless adequate assurances are given that patients' names and other identifying information will not be disclosed by the applicant.

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FLORIDA

PUBLIC HEALTH

CHAPTER 397

REHABILITATION OF DRUG DEPENDENTS

397.021 Definitions

When used in this chapter, unless the context otherwise requires:

(1) "Department" means the department of health and rehabilitative services.

397.053 Records of drug abusers

(1) The registration and other records of treatment resources, whether inpatient, intermediate, or outpatient, shall remain confidential, and information which has been entered in the records shall be considered confidential information.

(2) No part of the treatment records shall be disclosed without the consent of the person to whom it pertains, but appropriate disclosure may be made without consent to treatment personnel for use in connection with the treatment of such person and to counsel representing the person in any proceeding held pursuant to § 397.052. Disclosure may also be made without consent upon court order for purposes unrelated to treatment after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information to be disclosed against the possible harm of disclosure to the person to whom such information pertains.

(3) Notwithstanding the provisions of this section, the secretary of the department or his designee may open patients' records for purposes of significant research into the causes and treatment of drug abuse. The secretary shall not open such records, however, unless application is made by a researcher or research agency of professional repute, and unless the need for the records and the significance of the research for which they are to be used has been demonstrated to his satisfaction. Records shall not be open under this subsection unless adequate assurances are given that patients' names and other identifying information will not be disclosed by the applicant.
Added by Laws 1974, c. 74-172, § 2, eff. July 1, 1974.

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PUBLIC HEALTH

CHAPTER 405

MEDICAL INFORMATION AVAILABLE FOR RESEARCH

405.01 Release of medical information to certain study groups; exemption from liability

Any person, hospital, sanitorium, nursing or rest home or other organization may provide information, interviews, reports, statements, memoranda, or other data relating to the condition and treatment of any person to research groups, governmental health agencies, medical associations and societies, and any in-hospital medical staff committee, to be used in the course of any study for the purpose of reducing morbidity or mortality, and no liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization by reason of having provided such information or material, or by reason of having released or published the findings and conclusions of such groups to advance medical research and medical education, or by reason of having released or published generally a summary of such studies.

405.02 Limitation on publication of released information

The research groups, governmental health agencies, organized medical associations and societies or any in-hospital medical staff committee shall use or publish said material only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released by any such group for general publication.

405.03 Confidentiality of identity of person studied

In all events the identity of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances.

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CODE OF GEORGIA

TITLE 24A
COURTS, JUVENILE

CHAPTER 24A-35. FILES AND RECORDS

24A-3501 Inspection of court files and records

Except in cases arising under section 24A-3101, and subject to the requirements of section 24A-2201(d), all files and records of the court in a proceeding under this Code [Title 24A] are open to inspection only upon order of the court. The judge may permit authorized representatives of recognized organizations compiling statistics for proper purposes to inspect and make abstracts from official records, under whatever conditions upon their use and distribution the judge may deem proper, and may punish by contempt any violation of those conditions.

(Acts 1971, pp. 709, 750.)

Comment

In order to preserve the anonymity of a child before the court, this section permits inspection of files and records only upon order of the court, except in the cases of juvenile traffic offenses and instances coming within coverage of § 24A-2201(d).

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TITLE 79A

PHARMACISTS, PHARMACY, AND DRUGS

CHAPTER 79A-8. GEORGIA CONTROLLED SUBSTANCES ACT

79A-801 Short title of Chapter

This Chapter shall be known and may be cited as the Georgia Controlled Substances Act.

(Acts 1974, pp. 221, 223.)

* * *

79A-831 Information and research

(c) The Board of Pharmacy, in the public interest, may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceedings to identify the individuals who are the subjects of research for which the authorization was obtained.

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TITLE 88.

PUBLIC HEALTH.

CHAPTER 88-19. REGULATIONS OF HOSPITALS AND RELATED INSTITUTIONS.

88-1908. Organizations rendering patient care authorized to provide information for research purposes; freedom from liability.—Any hospital, sanitorium, medical or skilled nursing home or other organization rendering patient care may provide information, interviews, reports, statements, memoranda, or other data relating to the condition and treatment of any person to research groups approved by the medical staff of the institution involved, governmental health agencies, medical associations and societies, and any in-hospital medical staff committee, to be used in the course of any study for the purpose of reducing morbidity or mortality, and no liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization by reason of having provided such information or material, or by reason of having released or published the findings and conclusions of such groups to advance medical research, medical education or to achieve the most effective use of health manpower and facilities, or by reason of having released or published generally a summary of such studies.
(Acts 1966, pp. 310, 311.)

88-1909. Same; use and purposes of information.—The research groups approved by the medical staff of the institution involved, governmental health agencies, organized medical associations and societies or any inhospital medical staff committee shall use or publish said material only for the purpose of advancing medical research, medical education or to achieve the most effective use of health manpower and facilities, in the interest of reducing morbidity or mortality, except that a summary of such studies may be released by any such group for general publication.
(Acts 1966, pp. 310, 311.)

88-1910. Same; identity of person whose condition or treatment has been studied to be confidential.—In all events the identity of any person whose condition or treatment has been studied, as provided in section 88-1908, shall be confidential and shall not be revealed under any circumstances.
(Acts 1966, pp. 310, 312.)

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TITLE 99
SOCIAL WELFARE

CHAPTER 99-39. TREATMENT OF ALCOHOLISM AND INTOXICATION

99-3902 Definitions
For purposes of this Chapter and unless the use in context clearly requires otherwise:

(4) "Commissioner" means the Commissioner of Human Resources, or his delegate;

* * *

99-3914 Records of alcoholics and intoxicated persons
(a) The registration and other records of treatment facilities shall remain confidential and are privileged to the patient.
(b) Notwithstanding subsection (a), the commissioner may make available information from patients' records for purposes of research into the causes and treatment of alcoholism to researchers or professionals who are treating the patient, but only with proper consent of the patient or of any person who can give consent to medical treatment of the patient under Chapter 88-29, the Georgia Medical Consent Law, as amended. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information.
(Acts 1974, pp. 200, 217.)

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HAWAII STATUTES

CHAPTER 329
UNIFORM CONTROLLED SUBSTANCES ACT

PART I. GENERAL PROVISIONS

§329-1 Definitions. As used in this chapter:

"Department" means the department of health, State of Hawaii.

"Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.

(2) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.

PART V. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

[§329-54] Cooperative arrangements and confidentiality.

(c) A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the department, nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential. [L 1972, c 10, pt of §1]

[§329-58] Education and research.

(c) The department may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are subjects of research for which the authorization was obtained.

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IDAHO CODE

TITLE 37—FOOD, DRUGS, AND OIL

CHAPTER 27—UNIFORM CONTROLLED SUBSTANCES

Article I

37-2701. Definitions.—As used in this act:

(t) "Practitioner" means:

(1) a physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of his professional practice or research in this state;

(2) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of their professional practice or research in this state.

(y) "Director" means the director of the department of law enforcement of the state of Idaho.

37-2743. Cooperative arrangements and confidentiality.—

(c) A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the director, nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential. [I. C., § 37-2743, as added by 1971, ch. 215, § 1, p. 939; am. 1972, ch. 133, § 10, p. 261; am. 1974, ch. 27, § 81, p. 811.]

37-2747. Education and research.—

(d) The director may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

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TITLE 54—PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 23—PSYCHOLOGISTS

54-2302. Definitions.—Within the meaning of this act the following definitions obtain:

(f) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment. The application of said principles includes, but is not restricted to, counseling and the use of psychotherapeutic measures with persons or groups with adjustment problems in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; and doing research on problems relating to human behavior.

(g) A person represents himself to be a psychologist when he holds himself out to the public by any title or description incorporating the words "psychological," "psychologist" or "psychology" or offers to render or renders psychological services for remuneration.

54-2314. Privileged communication—Confidential relations and communications between psychologist and client.—A person licensed as a psychologist under the provisions of this act cannot, without the written consent of his client, be examined in a civil or criminal action as to any information acquired in the course of his professional services in behalf of the client. The confidential relations and communications between a psychologist and his client are on the same basis as those provided by law between an attorney and client, and nothing in this article shall be construed to require any such privileged communication to be disclosed. [1963, ch. 186, § 14, p. 549.]

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ILLINOIS STATUTES

CHAPTER 56½

FOOD AND DRUGS

56½ § 1101. Short title

This Act shall be known as and may be cited as the "Illinois Controlled Substances Act."
P.A. 77-757, § 101, eff. Aug. 16, 1971.

§ 1102. Definitions

As used in this Act, unless the context otherwise requires:

* * *

(e) "Commission" means the Dangerous Drugs Commission of the State of Illinois or its successor agency.

* * *

§ 1508. Research on controlled substances

The Commission shall encourage research on controlled substances. In connection with the research, and in furtherance of the purposes of this Act, the Commission may:

(1) establish methods to assess accurately the effect of controlled substances and identify and characterize those with potential for abuse;

(2) make studies and undertake programs of research to:

(i) develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this Act;

(ii) determine patterns of use, misuse, and abuse of controlled substances and their social effects; and

(iii) improve methods for preventing, predicting, understanding, and dealing with the use, misuse and abuse of controlled substances; and

(3) enter into contracts with public agencies, educational institutions, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which relate to the use, misuse and abuse of controlled substances.

(b) Persons authorized to engage in research may be authorized by the Commission to protect the privacy of individuals who are the subjects of such research by withholding from all persons not connected with the conduct of the research the names and other identifying characteristics of such individuals. Persons who are given this authorization shall not be compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was or of which the owners or cultivators are unknown, or which are wild growths, granted, except to the extent necessary to permit the Commission to determine whether the research is being conducted in accordance with the authorization.

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INDIANA STATUTES

TITLE 25

PROFESSIONS AND OCCUPATIONS—LICENSES, REGISTRATION AND CERTIFICATION

ARTICLE 33

PSYCHOLOGISTS

25-33-1-2 [63-3602]. Definitions.—As used in this act [25-33-1-1—25-33-1-17]: (a) "Board" means the Indiana state board of examiners in psychology;

(b) "Person" means an individual, firm, partnership, association or corporation;

(c) The practice of psychology includes, but is not restricted to, constructing, administering and interpreting tests of intellectual and cognitive abilities, aptitudes, skills, interests, attitudes, personality characteristics, perception, emotion, motivation and opinion; evaluation, amelioration and prevention of behavior disorders and psychological adjustment problems of individuals or groups; educational and vocational planning; personnel selection and management; arrangement of effective work and learning situations; resolution of interpersonal and social conflicts; the techniques of interviewing, counseling, guidance, behavior modification of individuals or groups; and psychological remedial measures with individuals or groups having adjustment or emotional problems; teaching of any of the aforementioned; and the planning and conduct of research on human behavior;

(d) "Psychological services" means acts or behaviors coming within the purview of the practice of psychology as defined in this act;

(e) "Private practice" within the meaning of this act, is the practice of psychology or the rendering of, or offer to render, psychological services to individuals, organizations or to the public, for remuneration or personal profit, under such circumstances that the psychologist takes full and complete responsibility for the conduct and conditions of said practice or service; and

(f) "Recognized institution of higher learning" means any college, university, school or similar educational establishment approved by the board for the purposes of this act.

Nothing in this act shall be construed as permitting individuals certified as psychologists to engage in any manner in the practice of medicine or optometry as defined in the laws of this state. [Acts 1969, ch. 416, § 2, p. 1771.]

* * *

25-33-1-17 [63-3617]. Privileged communications between psychologists and clients.—No psychologist certified under the provisions of this act [25-33-1-1—25-33-1-17] shall disclose any information he may have acquired from persons with whom he has dealt in his professional capacity, except under the following circumstances: (1) in trials for homicide when the disclosure relates directly to the fact or immediate circumstances of said homicide; (2) in proceedings the purpose of which is to determine mental competency, or in which a defense of mental incompetency is raised; (3) in actions, civil or criminal, against a psychologist for malpractice; (4) upon an issue as to the validity of a document as a will of a client; and (5) with the expressed consent of the client or subject, or in the case of his death or disability, of his legal representative. [Acts 1969, ch. 416, § 17, p. 1771.]

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INDIANA

TITLE 35—CRIMINAL PROCEDURE

ARTICLE 24.1
CONTROLLED SUBSTANCES

35-24.1-1-1 [10-3558]. Definitions. — As used in this article [35-24.1-1-1 — 35-24.1-6-1c]:

(c) "Board" means the Indiana state board of pharmacy.

(u) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

35-24.1-5-4 [10-3562c]. Cooperative arrangements and confidentiality.

(c) A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the board, nor may he be compelled in any state or local, civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential. [IC 1971, 35-24.1-5-4, as added by Acts 1973, P. L. 335, § 1, p. 1834.]

35-24.1-5-8 [10-3562g]. Education and research. —

(d) The board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

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204.509 Education and research

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4. The board and department, subject to approval and direction of the governor, may jointly authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization shall not be compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

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IOWA CODE

TITLE X

REGULATION AND INSPECTION OF FOODS, DRUGS, AND OTHER ARTICLES

CHAPTER 204. UNIFORM CONTROLLED SUBSTANCES

204.101 Definitions

* * *

4. "Board" means the state board of pharmacy examiners.

5. "Department" means the department of public safety of the state of Iowa.

* * *

22. "Practitioner" means either:

a. A physician, dentist, podiatrist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

b. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

* * *

204.504 Co-operative arrangements and confidentiality

* * *

3. A practitioner engaged in medical practice or research or the Iowa drug abuse authority or any program which is licensed by the authority shall not be required to furnish the name or identity of a patient or research subject to the board or the department, nor shall the practitioner or the authority or any program which is licensed by the authority be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner or the authority or any of its licensed programs is obligated to keep confidential. Acts 1971 (64 G.A.) ch. 148, § 504. Amended by Acts 1973 (65 G.A.) ch. 187 § 25, eff. Aug. 15, 1973.

Text of subsection 3 effective until June 30, 1978

TITLE XI
SOCIAL WELFARE AND REHABILITATION

CHAPTER 224B. DRUG ABUSE AUTHORITY

224B.23 Confidentiality of patient records

Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function licensed under this chapter shall be confidential and may be disclosed only for the purposes and under the circumstances expressly authorized by this section.

1. The content of the record shall be disclosed to the patient at his request.

2. If the patient, with respect to whom any given record referred to above is maintained, gives his specific written consent the content of the record may be disclosed:

a. To medical personnel for the purpose of diagnosis or treatment of the patient.

b. To governmental personnel for the purpose of obtaining benefits to which the patient is entitled.

3. If the patient does not give his written consent, the content of the record may be disclosed only as follows:

a. To medical personnel to the extent necessary to meet a bona fide medical emergency.

b. To qualified personnel for the purpose of conducting scientific research, management, financial audits or program evaluation, but records so disclosed shall not identify, directly or indirectly, any individual patient or otherwise disclose patient identity in any manner.

4. The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient. The arrest and conviction records and the records of any charges pending against any person seeking admission to a chemical substitutes or antagonists program or other drug program shall be furnished to program directors by courts and law enforcement agencies upon request in writing by the program director provided such request is accompanied by a signed release from the person whose records are being requested, and all aspects of patient record confidentiality are assured.
Acts 1973 (65 G.A.) ch. 181, § 23, eff. Aug. 15, 1973.

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CHILD ABUSE INFORMATION REGISTRY [NEW]

235A.12 Legislative findings and purposes

The general assembly finds and declares that a central registry is required to provide a single source for the statewide collection, maintenance and dissemination of child abuse information. Such a registry is imperative for increased effectiveness in dealing with the problem of child abuse. The general assembly also finds that vigorous protection of rights of individual privacy is an indispensable element of a fair and effective system of collecting, maintaining and disseminating child abuse information.

The purposes of this section and sections 235A.13 to 235A.24 are to facilitate the identification of victims or potential victims of child abuse by making available a single, state-wide source of child abuse data; to facilitate research on child abuse by making available a single, state-wide source of child abuse data; and to provide maximum safeguards against the unwarranted invasions of privacy which such a registry might otherwise entail.
Acts 1974 (65 G.A.) ch. 1162, § 11.

235A.13 Definitions

As used in sections 235A.12 to 235A.24, unless the context otherwise requires:

1. "Child abuse information" means any or all of the following data maintained by the registry in a manual or automated data storage system and individually identified:
   a. Report data.
   b. Investigation data.
   c. Disposition data.
2. "Report data" means information pertaining to any occasion involving or reasonably believed to involve child abuse, including:
   a. The name and address of the child and the child's parents or other persons responsible for the child's care.
   b. The age of the child.
   c. The nature and extent of the injury, including evidence of any previous injury.
   d. Any other information believed to be helpful in establishing the cause of the injury and the identity of the person or persons responsible therefor.
3. "Investigation data" means information pertaining to the evaluation of report data, including:
   a. Additional information as to the nature, extent and cause of the injury, and the identity of persons responsible therefor.
   b. The names and conditions of other children in the home.
   c. The child's home environment and relationships with parents or others responsible for his or her care.
4. "Disposition data" means information pertaining to an opinion or decision as to the occurrence of child abuse, including:
   a. Any intermediate or ultimate opinion or decision reached by investigative personnel.
   b. Any opinion or decision reached in the course of judicial proceedings.
   c. The present status of any case.
5. "Confidentiality" means the withholding of information from any manner of communication, public or private.
6. "Expungement" means the process of destroying child abuse information.
7. "Individually identified" means any report, investigation or disposition data which names the person or persons responsible or believed responsible for the child abuse.
8. "Sealing" means the process of removing child abuse information from authorized access as provided by this chapter.
Acts 1974 (65 G.A.) ch. 1162, § 12.

235A.14 Creation and maintenance of a central registry

1. There is created within the state department of social services a central registry for child abuse information. The department shall organize and staff the registry and adopt rules and regulations for its operation.

2. The registry shall collect, maintain and disseminate child abuse information as provided for by this chapter.

3. The department shall maintain a toll-free telephone line, which shall be available on a twenty-four hour a day, seven day a week basis and which the department of social services and all other persons may use to report cases of suspected child abuse and that all persons authorized by this chapter may use for obtaining child abuse information.

4. An oral report of suspected child abuse initially made to the central registry shall be immediately transmitted by the department to the appropriate county department of social services or law enforcement agency, or both.

5. The registry, upon receipt of a report of suspected child abuse, shall search the records of the registry, and if the records of the registry reveal any previous report of child abuse involving the same child or any other child in the same family, or if the records reveal any other pertinent information with respect to the same child or any other child in the same family, the appropriate office of the department of social services or law enforcement agency shall be immediately notified of that fact.

6. The central registry shall include but not be limited to report data, investigation data and disposition data.

Acts 1974 (65 G.A.) ch. 1162, § 13.

Iowa Administrative Code
Social Service Resources, Social Services Department, 770-130.1(234) et seq. IAC.

235A.15 Authorized access

1. Notwithstanding chapter 68A, the confidentiality of all child abuse information shall be maintained except as specifically provided by subsection 2.

2. Access to child abuse information is authorized only:

a. To a health practitioner who is examining, attending or treating a child whom the practitioner believes or has reason to believe has been the victim of abuse.

b. To employees of the department of social services having responsibility for the investigation of a child abuse report.

c. To a law enforcement officer having responsibility for the temporary emergency removal of a child from the child's parent or other legal guardian.

d. To a juvenile court or district court upon a finding that information is necessary for the resolution of an issue arising in any phase of a case involving child abuse, except that information obtained through the registry shall not be utilized in any aspect of any criminal prosecution.

e. To an authorized person or agency having responsibility for the care or supervision of a child named in a report as a victim of abuse or a person named in a report as having abused a child, if the juvenile court deems access to child abuse information by such person or agency to be necessary.

f. To a person conducting bona fide research on child abuse, if the details identifying any subject of a child abuse report are deleted.

g. To a person who is the subject of any report as provided in section 235A.19.

h. To registry or department personnel where necessary to the performance of their official duties.

i. To a court hearing an appeal for correction or expungement of registry information as provided in section 235A.19.

Acts 1974 (65 G.A.) ch. 1162, § 14.

235A.16 Requests for child abuse information

1. Requests for child abuse information shall be in writing on forms prescribed by the department, except as otherwise provided by subsection 2 of this section. Request forms shall require information sufficient to demonstrate authorized access.

2. Requests for child abuse information may be made orally by telephone where a person making such a request believes that the information is needed immediately and where information sufficient to demonstrate authorized access is provided. In the event that a request is made orally by telephone, a written request form shall nevertheless be filed within seventy-two hours.
Acts 1974 (65 G.A.) ch. 1162, § 15.

235A.17 Redissemination of child abuse information

A person, agency or other recipient of child abuse information authorized to receive such information shall not redisseminate such information, except that redissemination shall be permitted when:

1. The redissemination is for official purposes in connection with prescribed duties or, in the case of a health practitioner, pursuant to professional responsibilities.

2. The person to whom such information would be redisseminated would have independent access to the same information under section 235A.15.

3. A written record is made of the redissemination, including the name of the recipient and the date and purpose of the redissemination.

4. The written record is forwarded to the registry within thirty days of the redissemination.
Acts 1974 (65 G.A.) ch. 1162, § 16.

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Chapter 238
CHILD-PLACING AGENCIES

238.17 Forms for registration and record—preservation

The state director shall prescribe forms for the registration and record of persons cared for by any child-placing agency licensed under this chapter and for reports required by said state director from the agencies.

If, for any reason, a child-placing agency as defined by section 238.2 shall cease to exist, all records of registration and placement and all other records of any kind and character kept by such child-placing agency shall be turned over to the state director, for preservation, to be kept by the said state director as a permanent record.

238.18 Duty of licensee

The licensee shall keep a record and make reports in the form to be prescribed by said state director.

238.19 Inspection generally

Authorized officers and agents of the state director may inspect the premises and conditions of such agency at any time and examine every part thereof; and may inquire into all matters concerning such agencies and the children in the care thereof.

238.20 Minimum inspection—record

Authorized officers and agents of the state director shall visit and inspect the premises of licensed child-placing agencies at least once every six months and make and preserve written reports of the conditions found.

238.21 Other inspecting agencies

Authorized agents of the state department of health and of the local board of health in whose jurisdiction a licensed child-placing agency is located may make inspection of the premises.

238.22 Licensee to aid inspection

The licensees shall give all reasonable information to such inspectors and afford them every reasonable facility for obtaining pertinent information.

238.23 Annual report

Every such agency shall file with the state director, during the month of January of each year, an annual written or printed report, which shall show:

1. The number of children cared for during the preceding year.

2. The number of children received for the first time and the number returned from families.

3. The number placed in homes.

4. The number deceased.

5. The number placed in state institutions.

6. The number returned to friends.

7. The number and names and number of months of each of those attending school.

8. A statement showing the receipts and disbursements of such agency.

9. The amount expended for salaries and other expenses, specifying the same.

10. The amount expended for lands, buildings, and other investments.

11. Such other information as the state director may require.

Amended by Acts 1967 (62 G.A.) ch. 209, § 274, Aug. 15, 1967.

238.24 Information confidential

No individual who acquires through the operation of the provisions of sections 238.17 to 238.23, inclusive, or from the records provided for in this chapter, information relative to any agency or relative to any person cared for by such agency or relative to any relative of any such person, shall directly or indirectly disclose such information except upon inquiry before a court of law, or before some other tribunal, or for the information of the governor, general assembly, medical examiners, state director, state department of health, or the local board of health where such agency is located.

Nothing herein shall prohibit the state director from disclosing such facts to such proper persons as may be in the interest of a child cared for by such agency or in the interest of the child's parents or foster parents and not inimical to the child, or as may be necessary to protect the interests of the child's prospective foster parents. However, disclosure of termination and adoption records shall be governed by the provisions of section 600.16.

Nothing herein shall prohibit the statistical analysis by duly authorized persons of data collected by virtue of this chapter or the publication of the results of such analysis in such manner as will not disclose confidential information.

Amended by Acts 1976 (66 G.A.) ch. 1229, § 36, eff. Jan. 1, 1977.

1976 Amendment: In unnumbered paragraph two inserted "However, disclosure of termination and adoption records shall be governed by the provisions of section 600.16".

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Chapter 65.—PUBLIC HEALTH

Article 41.—UNIFORM CONTROLLED SUBSTANCES ACT

65-4134. Identity of patient or research subject of practitioner confidential. A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the board, nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential. [L. 1972, ch. 234, § 34; July 1.]

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KENTUCKY REVISED STATUTES

TITLE XVIII

PUBLIC HEALTH

CHAPTER 210

DEPARTMENT OF MENTAL HEALTH

210.057. Powers and duties as to research on dangerous drugs.—(1) The state department of mental health shall conduct research into all aspects of dangerous drugs as defined in KRS 217.725 in coordination with the Kentucky board of pharmacy.

(2) The department of mental health may authorize persons engaged in research on the use and effects of dangerous substances to withhold the names and other identifying characteristics of persons who are subjects of such research. Persons who obtain this authorization may not be compelled in any state civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

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LOUISIANA STATUTES

TITLE 15

CRIMINAL PROCEDURE

CHAPTER 5. REPRIEVE, PARDON, AND PAROLE

PART II. PAROLE

§ 574.12 Information as to offenders and ex-offenders; confidential

A. The presentence investigation report, the pre-parole report, the information and data gathered by the staff of the board of parole, the prison record and any other information obtained by the board or the Department of Corrections in the discharge of their official duties shall be confidential and shall not be subject to public inspection nor be disclosed directly or indirectly to anyone except as provided by this Section.

B. Information may be released upon request without special authorization to the board of parole, the board of pardons, the governor, the sentencing judge, a district attorney or law enforcement agency, the personnel and legal representatives of the Department of Corrections including student interns, and court officers with court orders specifying the information requested.

C. Fingerprints, photographs and information pertaining to arrests and dispositions of criminal charges may be released to criminal justice agencies without special authorization.

D. The director of the Department of Corrections or his designated representative may approve the reading of confidential information by the following:

(1) Social service agencies assisting in the treatment of the offender or ex-offender.

(2) Appropriate governmental agencies or officials when such access is imperative for discharge of the requesting agency's or official's responsibilities and the information is not reasonably available through any other means.

(3) Approved researchers who have guaranteed in writing anonymity of all subjects.

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TITLE 40
PUBLIC HEALTH AND SAFETY

UNIFORM VITAL STATISTICS ACT

R.S. 40:158 Disclosure of records

A. All certificates in the custody of the state registrar and the local registrar for the parish of Orleans are open to inspection, subject to the provisions of this Chapter and regulations of their board. No employee of the state or city of New Orleans shall disclose data contained in vital statistics records, except as authorized by this Chapter or by their board.

B. Disclosure of illegitimacy of birth information from which legitimacy or illegitimacy of birth of any child can be ascertained may be made only upon order of court in case where that information is necessary for the determination of personal or property rights and then only for that purpose; provided, that this section shall not apply in any case where any sheriff or district attorney makes written request to the state registrar or the local registrar for the parish of Orleans, and upon receipt of such written request, such respective registrars shall make disclosure to any sheriff or district attorney requesting same, of the content of records in their custody showing illegitimacy of birth and information from which legitimacy or illegitimacy of birth of any child might be ascertained.

C. The state registrar and the local registrar for the parish of Orleans shall not permit inspection of the records or issue a certificate, or any part thereof, unless he is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded, subject, however, to review by their board or the court under the limitations of this Section. The credentials of any attorney at law authorized to practice law in this state, together with a declaration of the record in which he is interested and that he is the legal representative of the party at interest, shall constitute sufficient proof of a direct and tangible interest in the matter recorded.

D. Their board may permit the use of data contained in vital statistics records for research purposes, but no record shall be retained identifying the person to whom the records relate. As amended Acts 1950, No. 512, § 1; Acts 1958, No. 180, § 1; Acts 1963, No. 100, § 1.

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TITLE 40
PUBLIC HEALTH AND SAFETY

PART X. UNIFORM CONTROLLED DANGEROUS SUBSTANCES LAW

UNIFORM CONTROLLED SUBSTANCES ACT

§ 992. Education and research

C. The State Board of Health in cooperation with the Louisiana Narcotics Rehabilitation Commission or any successor agency assuming the functions of such commission, may authorize persons engaged in research on the use and effects of dangerous substances to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization shall not be compelled, in any civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which authorization was obtained.

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MAINE
REVISED STATUTES

TITLE 22
HEALTH AND WELFARE

CHAPTER 1601

ALCOHOLISM, INTOXICATION AND DRUG ABUSE PREVENTION, TREATMENT AND REHABILITATION

§ 7121. Records

1. The registration and other records of treatment facilities shall remain confidential and are privileged to the patient.

2. Notwithstanding subsection 1, the director may make available information from patients' records for purposes of research into the causes and treatment of alcoholism and drug abuse. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information.

1973, c. 506, § 1, eff. Jun. 1, 1974.

* * * * * * *

MARYLAND CODE

ARTICLE 43.
HEALTH.

§ 134. Confidential records of medical and chirurgical faculty, etc.

(a) All records and other information procured by the faculty, component societies, in-hospital staff committees and national medical societies or groups organized for research which contain the identity of any person are confidential records.

(1) Access to and use of such confidential records shall be regulated by § 5-302 and § 10-205 (a) of the Courts Article of the Code.

(2) Nothing in this section restricts publication of statistics and data which do not disclose the identity of any person.
(1974, ch. 865, § 8.)

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ARTICLE 43B.

COMPREHENSIVE DRUG ABUSE CONTROL AND REHABILITATION ACT.

§ 1A. Drug Abuse Administration.

(a) *Established as part of Department of Health and Mental Hygiene; director.* — The Drug Abuse Administration is hereby established as a part of the Department of Health and Mental Hygiene. The head and chief executive officer of the Drug Abuse Administration shall be the director of the Drug Abuse Administration. The director is appointed by the Secretary of Health and Mental Hygiene and serves at the pleasure of the Secretary. The director shall have the minimum qualifications of a baccalaureate degree and experience in health administration, and shall be qualified in the functions and programs administered by the Administration. The director shall receive the salary provided in the annual State budget. The director shall report to the assistant secretary for mental health and addictions and is responsible for carrying out the powers, duties, responsibilities, and functions of the Administration.

* * *

§ 5. Powers and duties of Administration.

Any exercise of its powers and duties by the Administration shall be made subject to the approval of the Secretary of Health and Mental Hygiene. The Secretary of Health and Mental Hygiene may in his discretion exercise or perform any power, duty, responsibility or function which the Drug Abuse Administration is authorized to perform under the provisions of this article or under any other provisions of law.

The Administration shall:

(a) Survey and analyze the State's needs and with the advice of the Advisory Council on Drug Abuse authorized pursuant to this article, formulate a comprehensive plan for the long-range development, through the utilization of federal, State, local and private resources, of adequate services and facilities for the prevention and control of drug abuse and the diagnosis, treatment and rehabilitation of drug abusers and from time to time revise such plan.

(b) With the advice of the Council promote, develop, establish, coordinate and conduct unified programs for education, prevention, diagnosis, treatment, aftercare, community referral, rehabilitation and control in the field of drug abuse, in cooperation with such other federal, State, local and private agencies as are necessary and, within the amount made available by appropriation therefor, implement and administer such programs.

* * * * * * *

(c) Direct and carry on basic, clinical, epidemiological, social science and statistical research in drug abuse either individually or in conjunction with other agencies, public or private and, within the amount made available by appropriation therefor, develop pilot programs. In pursuance of the foregoing and notwithstanding any other provisions of law, the Administration is empowered to establish, direct and carry on experimental pilot clinic programs for the treatment of drug addiction and of the condition of drug addicts, which programs may include the administration, under medical supervision and control, of maintenance dosages of addicting drugs.

(d) Provide education and training in prevention, diagnosis, treatment, rehabilitation and control of drug addiction for medical students, physicians, nurses, social workers and others with responsibilities for drug addicts either alone or in conjunction with other agencies, public or private.

(e) Provide public education on the nature and results of drug abuse and on the potentialities of prevention and rehabilitation in order to promote public understanding, interest and support.

(f) Disseminate information relating to public and private services and facilities in the State available for the assistance of drug abusers and potential drug abusers.

(g) Gather information and maintain statistical and other records relating to drug abusers and drug abuse in the State. It shall be the duty of every physician, dentist, veterinarian or other person who is authorized to administer or professionally use those drugs enumerated in § 2 of this article, or apothecaries, hospitals, clinics, dispensaries or persons authorized to dispense such drugs and all public officials having duties to perform with respect to such drugs or users of such drugs to report and supply such information in relation thereto as the Administration shall by rule, regulation or order require.

§ 22. Confidentiality of information assembled or procured by Authority.

(c) *Applicability of §§ 5-302 and 10-205 (a) of Courts Article.* — Access to and use of any such records, reports, statements, notes, or other information also are protected and regulated by the provisions of § 5-302 and § 10-205 (a) of the Courts Article of the Code.
(1974, ch. 865, § 9.)

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Courts and Judicial Proceedings

TITLE 5.
LIMITATIONS AND PROHIBITED ACTIONS.

§ 5-302. Action against person furnishing information to enumerated agency for research purposes.

No action may be brought against a person, firm, or corporation who furnishes confidential records, reports, statements, notes, or other information to an agency enumerated in this section or its authorized agents, for purposes of research and study.

(1) The medical and chirurgical faculty or its allied committees;

(2) An "in-hospital" staff committee;

(3) A nationally organized medical society or research group; or

(4) The state Department of Health and Mental Hygiene. (An. Code 1957, art. 75C, §§ 10, 11; 1973, 1st Sp. Sess., ch. 2, § 1.)

TITLE 10.
EVIDENCE.

§ 10-205. Same — Exceptions.

(a) *Confidential records.* — Records, reports, statements, notes, or information assembled or obtained by the State Department of Health and Mental Hygiene, the Maryland Commission to Study Problems of Drug Addiction, the Medical and Chirurgical Faculty or its allied medical societies, an in-hospital staff committee, or a national organized medical society or research group, which are declared confidential by § 1-1 [§ 1-I] or § 1-34 [§ 134] of Article 43 of the Code, are not admissible in evidence in any proceeding. (1976, ch. 99, § 1.)

(b) *Privilege of employee.* — An employee or agent of any of the organizations listed in subsection (a) may not be compelled to divulge any such record, report, statement, note, or information in this connection. (An. Code 1957, art. 35, §§ 101, 102; 1973, 1st Sp. Sess., ch. 2, § 1.)

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ARTICLE 52A.

JUVENILE SERVICES.

Art. 52A, § 2. Appointment of Director of Department; qualifications; compensation; position within merit system; deputy director.

The Governor, upon the recommendation of the Secretary of Health and Mental Hygiene, shall appoint the Director of the State Department of Juvenile Services, who shall be the chief administrative officer of the Department.

* * *

§ 8. Bureau for research and development; confidentiality of information.

(a) The Department shall have an office, bureau or section for research and development to collect and compile accurate statistics and reliable data on all aspects of the program. This agency shall keep abreast of current developments in the field and shall assess existing programs and activities and aid in the development of new or improved means of prevention, control and treatment of juvenile offenders. It shall utilize research and information available from all sources and, if necessary, initiate studies to aid the Director in general planning and program development for the Department.

(b) All records, reports, statements, notes and other information which have been assembled or procured by the Department of Juvenile Services for purposes of research and development and which name or otherwise identify any person or persons are confidential records within the custody and control of the Department and its authorized agents and employees, and may be used only for the purposes of research and study for which assembled or procured.

(c) It is unlawful for any person to give away or to otherwise disclose to a person or persons not engaged in a research and development program, operation or agency related activity under this article, any records, reports, statements, notes, or other information which name or otherwise identify any person or persons. Any person who violates any provision of this section is guilty of a misdemeanor and upon conviction shall be fined not more than $500.

(d) Nothing in this section applies to or restricts the use or publicizing of statistics, data, other material which summarize or refer to any such records, reports, statements, notes, or other information in the aggregate and without referring to or disclosing the identity of any individual person or persons. (1966, ch. 126, § 1; 1974, ch. 555, § 2.)

MASSACHUSETTS LAWS

TITLE XVI
PUBLIC HEALTH

CHAPTER 111
Public Health

C. 111 **§ 24A. Scientific Studies to Reduce Morbidity and Mortality Within the Commonwealth Authorized.**

The commissioner may authorize or cause to be made scientific studies and research which have for their purpose the reduction of morbidity and mortality within the commonwealth.

All information, records of interviews, written reports, statements, notes, memoranda, or other data procured in connection with such scientific studies and research conducted by the department, or by other persons, agencies or organizations so authorized by the commissioner shall be confidential and shall be used solely for the purposes of medical or scientific research.

The furnishing of such information to the department or to the authorized representative of such an authorized study or research project, shall not subject any person, hospital, sanitarium, rest home, nursing home or other person or agency furnishing such information, to any action for damages or other relief.

Such information, records, reports, statements, notes, memoranda, or other data shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency or person. Such information, records, reports, statements, notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the department, nor by any other person, except as may be necessary for the purpose of furthering the study or research project to which they relate. No person participating in such an authorized study or research project shall disclose, in any manner, the information so obtained except in strict conformity with such research project. Any person who discloses such information in violation of this section shall be punished by a fine of fifty dollars. (1960, 624.)

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MICHIGAN COMPILED LAWS

CHAPTER 325

HEALTH—STATE DEPARTMENT

325.131 State health department medical research information; confidential character

Sec. 1. All information, records of interviews, written reports, statements, notes, memoranda or other data or records furnished to, procured by, or voluntarily shared with the state health commissioner, or any person, agency or organization which has been designated in advance by the state health commissioner with the approval of the state council of health as a medical research project which regularly furnishes statistical or summary data with respect to such project to the state health commissioner, for the purpose of reducing the morbidity or mortality from any cause or condition of health shall be confidential and shall be used solely for statistical, scientific and medical research purposes relating to such cause or condition of health.

325.132 Same; nonadmissibility in evidence in court or elsewhere; nondisclosure

Sec. 2. The information, records, reports, statements, notes, memoranda or other data shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency or person and the furnishing of the same to the state health commissioner, his authorized representative or any duly designated medical research project shall not result in the loss of any privilege which the same may otherwise have making them inadmissible as evidence. The information, records, reports, statements, notes, memoranda or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by the state health commissioner or any representative of the state health commissioner, nor by any other person, agency or organization, except as may be necessary for the purpose of furthering the research project to which they relate. No person participating in such research project shall disclose, in any manner, the information so obtained except in strict conformity with the research project.

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CHAPTER 335

HEALTH—DRUGS

CONTROLLED SUBSTANCES ACT OF 1971

335.303 Administer, administrator, agent, bureau, controlled substance, and counterfeit substance defined

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(2) "Administrator" means the state board of pharmacy or its designated or established authority.

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335.354 Cooperation with federal and other state agencies; information from federal narcotics bureau; privileged information

* * *

(3) A practitioner engaged in professional practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the practitioner's licensing agency, nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceeding to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

P.A.1971, No. 196, § 54, Eff. April 1, 1972.

335.358 Educational programs; research; privileged information

* * *

(4) The administrator may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

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CHAPTER 331

HEALTH—HOSPITALS

331.531 Data relating to medical condition and treatment, use, liability

Sec. 1. Any person, hospital, sanitorium, nursing or rest home or other organization may provide information, interviews, reports, statements, memoranda or other data relating to the medical condition and medical treatment of any person to any medical staff committee of any officially constituted health facility or agency or county or state medical society or medical specialty society committee to be used in the course of any study for the purpose of evaluation and improvement of the quality of care rendered in such facilities. No liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization by reason of having provided such information or material, or by reason of having released or published the findings and conclusions of such staff committees or county or state medical society or medical specialty society committee to advance medical research and medical education, or by reason of having released or published generally a summary of such studies.

331.532 Limitation, use or publication by committee, exception

Sec. 2. Any county or state medical society committee or medical specialty society committee shall use or publish said material only for the purpose of advancing medical research or medical education in the interest of reducing morbidity or mortality, except that a summary of such studies may be released by any such committee for general publication.

331.533 Identity of person, confidential, exceptions

Sec. 3. The identity of any person whose condition or treatment has been studied shall be confidential and shall not be revealed, and this section shall apply to sections 1 and 2.[1] The patient's name and address shall be removed from the record before the record is given to the medical staff society committee, or county or state medical society.

[1] Sections 331.531, 331.532.

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MINNESOTA STATUTES

Chapter 144
DEPARTMENT OF HEALTH

BOARD OF HEALTH

144.053 Research studies confidential

Subdivision 1. All information, records of interviews, written reports, statements, notes, memoranda, or other data procured by the state board of health, in connection with studies conducted by the state board of health, or carried on by the said board jointly with other persons, agencies or organizations, or procured by such other persons, agencies or organizations, for the purpose of reducing the morbidity or mortality from any cause or condition of health shall be confidential and shall be used solely for the purposes of medical or scientific research.

Subd. 2. Such information, records, reports, statements, notes, memoranda, or other data shall not be admissible as evidence in any action of any kind in any court or before any other tribunal, board, agency or person. Such information, records, reports, statements, notes, memoranda, or other data shall not be exhibited nor their contents disclosed in any way, in whole or in part, by any officer or representative of the state board of health, nor by any other person, except as may be necessary for the purpose of furthering the research project to which they relate. No person participating in such research project shall disclose, in any manner, the information so obtained except in strict conformity with such research project. No officer or employee of said board shall interview any patient named in any such report, nor a relative of any such patient, unless the consent of the attending physician and surgeon is first obtained.

Subd. 3. The furnishing of such information to the state board of health or its authorized representative, or to any other cooperating agency in such research project, shall not subject any person, hospital, sanitarium, rest home, nursing home or other person or agency furnishing such information, to any action for damages or other relief.

Subd. 4. Any disclosure other than is provided for in this section, is hereby declared to be a misdemeanor and punishable as such.

Laws 1955, c. 769, §§ 1–4.

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144.175 Access to records

Subdivision 1. Open to inspection. The birth and death records and files of the division of vital statistics, the local registrars and clerks of the district court are open to inspection, subject to the provisions of sections 144.151 to 144.204 and regulations of the board; but it is unlawful for any officer or employee of the state or any local registrar or clerk of district court to disclose data contained in vital statistical records except as authorized by such sections or by the board.

Subd. 2. Procedure in case of illegitimacy. Except as provided in this section and section 144.176, disclosure of illegitimacy of birth or of information from which it can be ascertained may be made, or a certified copy of the birth certificate issued, only to the guardian of such person, the person to whom the record pertains when such person is 21 years of age or over, or upon order of a court of competent jurisdiction in a case where such information is necessary for the determination of personal or property rights and then only for such purpose. The birth and death records of the state board of health shall be opened to inspection by the commissioner of public welfare, and it shall not be necessary for him to obtain an order of the court in order to inspect records of illegitimate children or to secure certified copies thereof.

Subd. 3. Repealed. Laws 1947, c. 517, § 8.

Subd. 4. Purposes of research. The board may permit the use of data contained in vital statistical records for research purposes only, but no identifying use thereof shall be made. The board may charge for expenses authorized by this subdivision for searching vital statistics records for research purposes. All of the money collected by the board under this subdivision for searching vital records shall be deposited in the state treasury and is annually appropriated to the board of health to pay the costs of researching vital statistics records.

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MISSISSIPPI CODE

(NONE)

MISSOURI STATUTES

TITLE XII
PUBLIC HEALTH AND WELFARE

Chapter 193
VITAL STATISTICS

193.240. Disclosure of records

1. The records and files of the division of health are open to inspection, subject to the provisions of this law and regulations of the division; but it is unlawful for any officer or employee of the state to disclose data contained in vital statistical records, except as authorized by this law and by the division.

2. Disclosure of illegitimacy of birth or of information from which it can be ascertained may be made only upon order of a court in a case where such information is necessary for the determination of personal or property rights and then only for such purpose; or upon the request of the individual whose birth registration is involved, when such information is necessary to the establishment of any claim against the federal government.

3. The state registrar shall not permit inspection of the records or issue a certified copy of a certificate or part thereof unless he is satisfied that the applicant therefor has an interest in the matter recorded and that the information therein contained is for a research project, study, newspaper, radio, television or other news media reports or reporting, or is necessary for the determination of personal or property rights. The registrar may require any applicant to sign an affidavit reciting the grounds on which he seeks to acquire the information requested. His decision shall be subject, however, to review by the division or a court under the limitations of this section.

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MISSOURI

PUBLIC HEALTH AND WELFARE

CHAPTER 210. CHILD PROTECTION AND REFORMATION

CHILD ABUSE

210.110. Definitions

1. As used in sections 210.110 to 210.165 unless the context clearly indicates otherwise, the following terms mean:

(1) "Abuse", any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for his care, custody, and control;

(2) "Child", any person under eighteen years of age;

(3) "Director", the director of the Missouri division of family services;

(4) "Division", the Missouri division of family services;

(5) "Neglect", failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, or medical, surgical, or any other care necessary for his well-being; and

(6) "Those responsible for the care, custody, and control of the child", those included but not limited to the parents or guardian of a child, other members of the child's household, or those exercising temporary or permanent care of a child.

2. When consistent with the intent of sections 210.110 to 210.165, the singular includes the plural, the plural the singular, and the masculine the feminine.

Laws 1975, p. ——, H.B.No.578, § 1, effective June 6, 1975.

210.150. Confidentiality of reports and records, exceptions

1. All reports and records made pursuant to sections 210.110 to 210.165 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.110 to 210.165, shall be confidential. Information shall not be made available to any individual or institution except to:

(1) A physician or his designee who has before him a child whom he reasonably believes may be abused or neglected;

(2) Appropriate staff of the division and of its local offices;

(3) Any person who is the subject of a report, or the guardian of such person when he is a minor, or who is mentally ill or otherwise incompetent;

(4) A grand jury, juvenile officer, juvenile court or other court conducting abuse or neglect or child protective proceedings; and

(5) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports and the reporters shall be made available to the researcher.

For the purpose of this section, "subjects" include the child and any parent, guardian, or other person responsible for the child, who is mentioned in a report. "Reporters" shall include all persons and institutions who report abuse or neglect pursuant to sections 210.110 to 210.165.

2. Any person who violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the central registry and in reports and records made pursuant to sections 210.110 to 210.165, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed one thousand dollars or imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment.

Laws 1975, p. ——, H.B.No.578, § 9, effective June 6, 1975.

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MONTANA REVISED CODES

TITLE 54—NARCOTIC DRUGS

CHAPTER 3—CONTROLLED SUBSTANCES

54-301. Definitions. As used in this act:

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(3) "Board" means the board of pharmacists, provided for in section 82A-1602.21.

* * *

(22) "Practitioner" means:

(a) a physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice or research in this state;

(b) a pharmacy or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice or research in this state.

* * *

54-323. Educational programs—research—information confidential—possession of drugs by researchers. (1) The board shall carry out educational programs designed to prevent and deter misuse and abuse of dangerous drugs. In connection with these programs it may:

* * *

(3) The board may authorize persons engaged in research on the use and effects of dangerous drugs to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

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TITLE 80—STATE INSTITUTIONS

CHAPTER 27—ALCOHOL AND DRUG DEPENDENCE

80-2702. Duties of department—department authorized to accept gifts—enter into contracts—acquire and dispose of property. (1) The department of institutions, hereafter referred to as department in this chapter, shall:

(a) Plan, promote, and assist in the support of alcohol and drug dependence prevention, treatment, and control programs;

(b) Conduct, sponsor, and support research, investigations, and studies, including evaluation, of all phases of alcohol and drug dependence;

(c) Assist the development of educational and training programs relative to alcohol and drug dependence, and carry on programs to assist the public, and technical and professional groups, in becoming fully informed about alcohol and drug dependence;

(d) Promote, develop, and assist, financially and otherwise, alcohol and drug dependence programs administered by other state agencies, other than the petitioner, the original petitioner under subsection (1) if different from the petitioner for recommitment, one of his parents or his legal guardian if he is a minor, and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3).

* * *

80-2719. Records of alcoholics and intoxicated persons. (1) The registration and other records of treatment facilities shall remain confidential and are privileged to the patient.

(2) Notwithstanding subsection (1), the department may make available information from patients' records for purposes of research into the causes and treatment of alcoholism. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information.

History: En. 69-6222 by Sec. 12, Ch. 302, L. 1974; redes. 80-2719 by Sec. 6, Ch. 280, L. 1975.

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TITLE 93

CIVIL PROCEDURE

CHAPTER 701

EVIDENCE—WITNESSES

93-701-4. (10536) **Persons in certain relations cannot be examined.** There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:

6. Any person engaged in teaching psychology in any school, or who acting as such is engaged in the study and observation of child mentality, shall not without the consent of the parent or guardian of such child being so taught or observed testify in any civil action as to any information . . obtained.

* * * * * * *

NEBRASKA REVISED STATUTES

CHAPTER 28

CRIMES AND PUNISHMENTS

(t) UNIFORM CONTROLLED SUBSTANCES ACT

28-4,115. Terms, defined. As used in sections 28-459 and 28-4,115 to 28-4,142, unless the context otherwise requires:

* * *

(6) Department shall mean the Department of Health of this state;

* * *

(21) Practitioner shall mean a physician, dentist, veterinarian, pharmacist, scientific investigator, pharmacy or hospital, licensed, registered, or otherwise permitted to distribute, dispense, prescribe, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state;

* * *

28-4,138. Education and research.

* * *

(5) The department may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of persons who are subjects of such research. Persons who obtain such authorization may not be compelled in any state civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

* * * * * * *

NEVADA REVISED STATUTES

TITLE 40
PUBLIC HEALTH AND SAFETY

CHAPTER 440

VITAL STATISTICS

440.170 Records open to inspection; use of data restricted.

1. All certificates in the custody of the state registrar are open to inspection subject to the provisions of this chapter. It shall be unlawful for any employee of the state to disclose data contained in vital statistics, except as authorized by this chapter or by the board.

2. Information in vital statistics indicating that a birth occurred out of wedlock shall not be disclosed except upon order of a court of competent jurisdiction.

3. The board may permit the use of data contained in vital statistics records for research purposes, but without identifying the persons to whom the records relate.

[Part 45:199:1911; added 1941, 381; 1931 NCL § 5268.14]—(NRS A 1967, 1107)

440.175 Statistical information; prohibitions against preparation, issuance of certain documents.

1. Upon request, the state registrar may furnish statistical data to:

(a) The Public Health Service in the Department of Health, Education, and Welfare, upon reimbursement for the cost of furnishing such data.

(b) Any other federal, state, local or other public or private agency, upon such terms or conditions as may be prescribed by the board.

2. No person may prepare or issue any document which purports to be an original, certified copy or official copy of:

(a) A certificate of birth, death or fetal death, except as authorized in this chapter or by the board.

(b) A certificate of marriage, except a county recorder or a person so required pursuant to NRS 122.120.

(c) A decree of divorce or annulment of marriage, except a county clerk or the judge of a court of record.

(Added to NRS by 1967, 1108)

* * * * * * * *

CHAPTER 453

CONTROLLED SUBSTANCES

UNIFORM CONTROLLED SUBSTANCES ACT

453.031 "Board" defined. "Board" means:

1. For the purposes of the regulation of any pharmacy, as defined in NRS 453.371, under the provisions of NRS 453.011 to 453.551, inclusive, the state board of pharmacy.

2. For all other purposes provided for in NRS 453.011 to 453.551, inclusive, the state board of pharmacy and one chemist. Such chemist shall be:

(a) A person who has had experience in the field of controlled substances.

(b) Appointed by the governor and serve at the pleasure of the governor.

(Added to NRS by 1971, 2000)

* * *

453.076 "Division" defined. "Division" means the investigation and narcotics division of the department of law enforcement assistance.

(Added to NRS by 1971, 2000)

* * *

453.126 "Practitioner" defined. "Practitioner" means:

1. A physician, dentist, veterinarian, scientific investigator, podiatrist or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

2. A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(Added to NRS by 1971, 2002)

* * *

453.291 Educational and research programs.

3. The board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subject of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

453.296 Confidentiality of medical, research information. A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the board, nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceeding to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

(Added to NRS by 1971, 2016)

* * * * * * *

CHAPTER 458

ALCOHOL AND DRUG ABUSE

458.010 Definitions. As used in this chapter, unless the context requires otherwise:

1. "Alcohol and drug abuse program" means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.
2. "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects his ability to function socially or economically.
3. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that he endangers the health, safety or welfare of himself or any other person or group of persons.
4. "Board" means the state alcohol and drug abuse advisory board.
5. "Bureau" means the bureau of alcohol and drug abuse in the rehabilitation division of the department.
6. "Chief" means the chief of the bureau.
7. "Civil protective custody" means a custodial placement of a person for the purpose of protecting his health or safety. Civil protective custody does not have any criminal implication.
8. "Department" means the department of human resources.
9. "Director" means the director of the department.
10. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

(Added to NRS by 1960, 306; A 1963, 966; 1967, 1174; 1973, 1060, 1399; 1975, 228)

* * *

458.055 Confidential information.

1. To preserve the confidentiality of any information concerning persons applying for or receiving any services under this chapter, the bureau may establish and enforce rules governing the confidential nature, custody, use and preservation of the records, files and communications filed with the bureau.
2. Wherever information concerning persons applying for and receiving any services under this chapter is furnished to or held by any other government agency or a public or private institution, the use of such records by such agency or institution shall be bound by the confidentiality rules of the bureau.
3. Except for purposes directly connected with the administration of this chapter, no person may disclose, use or permit to be disclosed, any confidential information concerning a person receiving services under the provisions of this chapter.

(Added to NRS by 1973, 1398)

* * *

458.280 Treatment facility records confidential; exceptions.

1. Except as provided in subsection 2, the registration and other records of a treatment facility are confidential and shall not be disclosed to any person not connected with the treatment facility without the consent of the patient.
2. The provisions of subsection 1 do not restrict the use of a patient's records for the purpose of research into the causes and treatment of alcoholism if such information is not published in a way that discloses the patient's name or other identifying information.

(Added to NRS by 1975, 1144)

* * * * * * *

NEW HAMPSHIRE
REVISED STATUTES

PUBLIC HEALTH

CHAPTER 126-A

DEPARTMENT OF HEALTH AND WELFARE

126-A: 4 Commissioner of Health and Welfare. Administrative and executive direction of the department of health and welfare shall be under the direction of a commissioner of health and welfare who shall be appointed by the governor and council from two or more nominees or, if agreeable to the governor, a lesser number of candidates nominated by the advisory commission established by this chapter. He shall hold office for a term of four years from the date of his appointment and until his successor is appointed and qualified. He shall supervise and consult with the directors of divisions in the formulation and establishment of policies for their respective divisions pursuant to section 6 of this chapter. The provisions of RSA 21: 33-a shall not apply to appointments made under this section.

126-A: 4-a [New] Medical and Scientific Research Information.

I. Personal medical and/or other scientific data of any kind whatsoever obtained for the purpose of medical or scientific research by the commissioner or by any person, organization, or agency authorized by the commissioner to obtain such data shall be confidential and shall be used solely for medical or scientific purposes. Such data shall include, but not be limited to, all information, records of interviews, written reports, statements, notes, memoranda, or other data procured in connection with such scientific studies and research conducted by the department, or by other persons, agencies, or other organizations so authorized by the commissioner.

II. No hospital, sanitarium, rest home, nursing home, other person or agency shall be held liable in any action for damages or other relief arising from the furnishing of personal medical and/or other scientific data to the department of health and welfare or to the representative of an authorized medical or scientific research project.

III. Personal medical and/or other scientific data obtained by the department of health and welfare or by an authorized research project shall not be admissible as evidence in any action of any kind in any court or before any tribunal, board, agency or person.

IV. Personal medical and/or other scientific data shall not be exhibited nor their contents disclosed in whole or in part by any officer or employee of the department, or by any other person, except as may be necessary to further the study or research project to which they relate.

V. Any person who violates the provisions of this section by the unauthorized disclosure of any confidential medical or scientific data, in whole or in part, shall be fined not more than two hundred and fifty dollars.

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NEW JERSEY STATUTES

TITLE 24

FOOD AND DRUGS

SUBTITLE 3. NARCOTIC DRUGS AND OTHER DANGEROUS SUBSTANCES

CHAPTER 21. DANGEROUS SUBSTANCES CONTROL LAW

24:21-2. Definitions

* * *

"Commissioner" means the State Commissioner of Health.

* * *

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance in the course of professional practice or research in this State.

ARTICLE 7. MISCELLANEOUS

24:21-39. Reports by practitioners of drug dependent persons

Every practitioner, within 24 hours after determining that a person is a drug dependent person by reason of the use of a controlled dangerous substance for purposes other than the treatment of sickness or injury prescribed and administered as authorized by law, shall report such determination verbally or by mail to the Commissioner of the State Department of Health. Such a report by a physician shall be confidential and shall not be admissible in any criminal proceeding. The commissioner, in his discretion, may also treat any other reports submitted under this section as confidential if he determines that it is in the best interest of the drug dependent person and the public health and welfare. A practitioner who fails to make a report required by this section is a disorderly person.
L.1970, c. 226, § 39.

* * * * * * *

Title 26
HEALTH
AND
VITAL STATISTICS

ARTICLE II. ESTABLISHMENT OF STATE DEPARTMENT OF HEALTH; PERSONNEL

26:1A–37.2 Information and data confidential; disclosure; exceptions

Information and data in the possession of the State Department of Health, pertaining to the health of any named person, procured in connection with research studies approved by the Public Health Council for the purpose of reducing the morbidity or mortality from any cause or condition of health shall be kept in the confidence of the department and shall not be revealed or disclosed in any manner or under any circumstances by any person connected with such research studies or by the department or any person therein except (a) to persons within the department, (b) to other persons participating in such research studies or (c) in such impersonal form that the individual to whom the information or data relates cannot be identified therefrom. L.1963, c. 68, § 1.

26:1A–37.3 Liability for furnishing information or data

No person may be held liable for damages or otherwise prejudiced in any manner by reason of furnishing information or data pertaining to the health of any person to the State Department of Health for use in connection with research studies described in section 1 of this act.[1] L.1963, c. 68, § 2.

26:1A–37.4 Unlawful disclosure; violation

Any person who reveals or discloses any information or data pertaining to the health of any named person in violation of this act is a disorderly person. L.1963, c. 68, § 3.

* * * * * * *

TITLE 34

LABOR AND WORKMEN'S COMPENSATION

34:1–1. Definitions

As used in this title:

"Commissioner" means the commissioner of labor.[1]

"Deputy commissioner" means the several deputy commissioners of labor except in chapter 15 of this title (§ 34:15–1 et seq.), in which "deputy commissioner" shall mean the several deputy commissioners of compensation.

"Department" means the department of labor.[1]

34:1–48. Chief of bureau of statistics and records; appointment

The bureau of statistics and records shall be under the direction of a chief of bureau who shall be appointed by the commissioner.

34:1–49. Duties of bureau in general

The bureau of statistics and records shall collect, classify and report to the legislature, on or before the last day of October in each year, statistical details relating to labor in the state with particular regard to the commercial, industrial, social, educational and sanitary condition of the laboring classes, and in all suitable and lawful ways foster and encourage all productive industries, with the view to their permanent establishment upon a prosperous basis, both to employer and employed.

34:1–50. Commercial statistics and information

The annual report of the bureau shall include statistics showing the number of private firms and corporations engaged in the several industries in this state; the capital invested; amount of raw material used and its cost value; amount of goods manufac-

34:1–51. Names of informants not to be divulged

The information secured shall be presented in the annual report by figures only; the names of persons, firms or corporations shall in no case be printed and the business of manufacturers, individually, shall not be divulged.

tured and the selling price of said goods; the number of persons employed, by months, and distinguished as to sex; total wages paid; classification of wages, and such other information as may be necessary to show the true condition of each of said manufacturing industries.

* * * * * * * *

NEW MEXICO STATUTES

CHAPTER 54—FOODS AND DRUGS

54-11-2. Definitions.—As used in the Controlled Substances Act [54-11-1 to 54-11-39]:

C. "board" means the board of pharmacy;

S. "practitioner" means a physician, dentist, veterinarian or other person licensed to prescribe and administer drugs which are subject to the Controlled Substances Act;

U. "scientific investigator" means a person registered to conduct research with controlled substances in the course of his professional practice or research and includes analytical laboratories;

54-11-39. Research—Confidentiality.—A. The board shall encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of the Controlled Substances Act, it may register public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations or special projects which bear directly on misuse and abuse of controlled substances.

B. The board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

C. The board may authorize the possession and distribution of controlled substances by persons engaged in research. Such authorization shall contain the conditions and terms of the research to be conducted. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

D. A practitioner engaged in medical practice or research shall not be required to furnish the name or identity of a patient or research subject to the board, nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

History: Laws 1972, ch. 84, § 39.

NEW YORK

Civil Rights Law

ARTICLE 7—MISCELLANEOUS RIGHTS AND IMMUNITIES

§ 79-j. Confidentiality of records in multi-state information system

1. An ongoing research and demonstration project called the multi-state information system for psychiatric patients located at Rockland state hospital in Rockland county has been developed by a number of cooperating states and is designed to provide a computer-based system for records and statistics of mental health patients in those states. The records stored by the multi-state information system are intended also for research and demonstration purposes concerning (1) the feasibility of computer-based record systems improving the quality of medical information available to clinicians treating psychiatric patients and (2) the quality of aggregate statistics to aid in planning, operating and monitoring psychiatric services. Such records are not intended to substitute for or replace original records retained in the cooperating mental health facilities and agencies. In order to protect the privacy of the information stored in such records which relates to patients in facilities outside of the state of New York, it is necessary and desirable that such records be declared confidential and not subject to examination in the courts or by agencies of this state.

2. The records and information concerning patients in mental health and related facilities located outside of the state of New York and currently or hereafter stored in the multi-state information system for psychiatric patients maintained at Rockland state hospital in the county of Rockland are not public records. Such records and information shall be confidential and

shall not be subject to subpoena in any court or before any tribunal or administrative agency. Such records and information shall not be open for inspection by nor otherwise available to any agency or individual other than the agency or facility submitting the records or information and the technical staff of the multi-state information system except that the commissioner of mental hygiene shall have the power to conduct an annual review of the operation of the information system in order to assure its proper and lawful operation in the interest of the agencies and facilities contributing records and information to such system. Aggregate statistics drawn from the records stored, with all personal identification removed, may be released by the system for research and planning purposes.

3. Nothing in this act shall affect existing law with respect to the records of patients now or formerly treated in facilities in this state. The records stored in the multi-state information system described in subdivision two shall not be considered records of the department of mental hygiene.

Added L.1972, c. 317, § 1.

CORRECTION LAW

ARTICLE 2—DEPARTMENT OF CORRECTIONAL SERVICES; STATE BOARD OF PAROLE

§ 5. Department of correctional services; commissioner

1. There shall be in the state government a department of correctional services. The head of the department shall be the commissioner of correctional services, who shall be appointed by the governor, by and with the advice and consent of the senate, and hold office at the pleasure of the governor by whom he was appointed and until his successor is appointed and has qualified.

2. The commissioner of correctional services shall be the chief executive officer of the department.

3. The principal office of the department of correctional services shall be in the county of Albany.

Added L.1970, c. 475, § 3, eff. Jan. 1, 1971.

§ 29. Department statistics

1. The department shall continue to collect, maintain, and analyze statistical and other information and data with respect to persons subject to the jurisdiction of the department, including but not limited to: (a) the number of such persons: placed in the custody of the department, assigned to a specific department program, accorded temporary release, paroled or conditionally released, paroled or conditionally released and declared delinquent, recommitted to a state correctional institution upon revocation of parole or conditional release, or discharge upon maximum expiration of sentence; (b) the criminal history of such persons; (c) the social, educational, and vocational circumstances of any such persons; and, (d) the institutional, parole and conditional release programs and behavior of such persons.

2. The commissioner of correctional services shall make rules as to the privacy of records, statistics and other information collected, obtained and maintained by the department, its institutions or the board of parole and information obtained in an official capacity by officers, employees or members thereof.

3. The commissioner of correctional services shall have access to records and criminal statistics collected by the division of criminal justice services and the commissioner of criminal justice services shall have access to records and criminal statistics collected by the department of correctional services, as the commissioners of correctional services and criminal justice services shall mutually determine.

Added L.1974, c. 654, § 1.

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Public Health Law

ARTICLE 24-A—PROTECTION OF HUMAN SUBJECTS

See.
2440. Policy and purpose.
2441. Definitions.
2442. Informed consent.
2443. Conduct of human research.
2444. Human research review committees.
2445. Applicability.
2446. Rules and regulations.

§ 2440. Policy and purpose

The use of human subjects in medical research projects has brought about many beneficial scientific advances resulting in the increased health and well-being of the human race. Safeguarding the rights and welfare of individual human subjects in the conduct of these human research projects is a matter of vital state concern. Every human being has the right to be protected against the possible conduct of medical or psychological research upon his body without his voluntary informed consent. Human research may effect dangerous and unanticipated results causing irreversible damage to the human subject. Accordingly, it shall be the policy of this state to protect its people against the unnecessary and improper risk of pain, suffering or injury resulting from human research conducted without their knowledge or consent.

Added L.1975, c. 450, § 1.

Effective Date. Section effective Sept. 1, 1975, pursuant to L.1975, c. 450, § 2.

§ 2441. Definitions

For the purposes of this article: 1. "Human subject" shall mean any individual who may be exposed to the possibility of injury, including physical, psychological or social injury, as a consequence of participation as a subject in any research, development, or related activity which departs from the application of those established and accepted methods necessary to meet his needs or which increases the ordinary risk of daily life including the recognized risks inherent in a chosen occupation or field of service.

2. "Human research" means any medical experiments, research, or scientific or psychological investigation, which utilizes human subjects and which involves physical or psychological intervention by the researcher upon the body of the subject and which is not required for the purposes of obtaining information for the diagnosis, prevention, or treatment of disease or the assessment of medical condition for the direct benefit of the subject. Human research shall not, however, be construed to mean the conduct of biological studies exclusively utilizing tissue or fluids after their removal or withdrawal from a human subject in the course of standard medical practice, or to include epidemiological investigations.

3. "Fluid" means a normal body excretion or any fluid formed by normal or pathological body processes obtained during diagnostic or

therapeutic procedures conducted for the benefit of the human subject.

4. "Tissue" means part or all of any organ of a human subject removed during a diagnostic or therapeutic procedure conducted for the benefit of the human subject.

5. "Voluntary informed consent" means the legally effective knowing consent of an individual or his legally authorized representative, so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress or other form of constraint or coercion. With regard to the conduct of human research, the basic elements of information necessary to such consent include:

(a) a fair explanation to the individual of the procedures to be followed, and their purposes, including identification of any procedures which are experimental;

(b) a description of any attendant discomforts and risks reasonably to be expected;

(c) a description of any benefits reasonably to be expected;

(d) a disclosure of any appropriate alternative procedures that might be advantageous for the individual;

(e) an offer to answer any inquiries by the individual concerning the procedures; and

(f) an instruction that the individual is free to withdraw his consent and to discontinue participation in the human research at any time without prejudice to him.

6. "Researcher" means any person licensed under title VIII of the education law to perform diagnosis, treatment, medical services, prescription or therapeutic exercises with regard to or upon human beings, or any other person deemed appropriately competent and qualified by a human research review committee as provided by section twenty-four hundred forty-four of this chapter.

Added L.1975, c. 450, § 1.

§ 2442. Informed consent

No human research may be conducted in this state in the absence of the voluntary informed consent subscribed to in writing by the human subject. If the human subject be a minor, such consent shall be subscribed to in writing by the minor's parent or legal guardian. If the human subject be otherwise legally unable to render consent, such consent shall be subscribed to in writing by such other person as may be legally empowered to act on behalf of the human subject. No such voluntary informed consent shall include any language through which the human subject waives, or appears to waive, any of his legal rights, including any release of any individual, institution or agency, or any agents thereof, from liability for negligence.

Added L.1975, c. 450, § 1.

§ 2443. Conduct of human research

No one except a researcher shall conduct human research in this state.

Added L.1975, c. 450, § 1.

(Statute continued Next page)

PUBLIC HEALTH LAW

§ 2444. Human research review committees

1. Each public or private institution or agency which conducts, or which proposes to conduct or authorize, human research, shall establish a human research review committee. Such committee shall be composed of not less than five persons, approved by the commissioner, who have such varied backgrounds as to assure the competent, complete and professional review of human research activities conducted or proposed to be conducted or authorized by the institution or agency. No member of a committee shall be involved in either the initial or continuing review of an activity in which he has a conflicting interest, except to provide information required by the committee. No committee shall consist entirely of persons who are officers, employees, or agents of, or who are otherwise associated with the institution or agency, apart from their membership on the committee, and no committee shall consist entirely of members of a single professional group.

2. The human research review committee in each institution or agency shall require that institution or agency to promulgate a statement of principle and policy in regard to the rights and welfare of human subjects in the conduct of human research, and the committee and the commissioner shall approve that statement prior to its taking effect. The committee shall review each proposed human research project to determine (1) its necessity; (2) that the rights and welfare of the human subjects involved are adequately protected; (3) that the risks to the human subjects are outweighed by the potential benefits to them or by the importance of the knowledge to be gained; (4) that the voluntary informed consent is to be obtained by methods that are adequate and appropriate, and (5) that the persons proposed to conduct the particular medical research are appropriately competent and qualified. The committee shall periodically examine each existing human research project with regard to the proper application of the approved principles and policies which the institution or agency has promulgated. The committee shall report any violation to the commissioner. In addition to the voluntary informed consent of the proposed human subject as required by section twenty-four hundred forty-two of this chapter, the consent of the committee and the commissioner shall be required with relation to the conduct of human research involving minors, incompetent persons, mentally disabled persons and prisoners.

3. Each person engaged in the conduct of human research or proposing to conduct human research shall affiliate himself with an institution or agebcy having a human research review committee, and such human research as he conducts or proposes to conduct shall be subject to review by such committee in the manner set forth in this section.

Added L.1975, c. 450, § 1.

§ 2445. Applicability

The provisions of this article shall not apply to the conduct of human research which is subject to, and which is in compliance with, policies and regulations promulgated by any agency of the federal government for the protection of human subjects.

Added L.1975, c. 450, § 1.

§ 2446. Rules and regulations

The commissioner shall have the power to promulgate such rules and regulations as shall be necessary and proper to effectuate the purposes of this article.

Added L.1975, c. 450, § 1.

§ 3371. Confidentiality of certain records, reports, and information

1. No person, who has knowledge by virtue of his office of the identity of a particular patient or research subject, a manufacturing process, a trade secret or a formula shall disclose such knowledge, or any report or record thereof, except:

(a) to another person employed by the department, for purposes of executing provisions of this article; or

(b) pursuant to judicial subpoena or court order in a criminal investigation or proceeding; or

(c) to an agency, department of government, or official board authorized to regulate, license or otherwise supervise a person who is authorized by this article to deal in controlled substances, or in the course of any investigation or proceeding by or before such agency, department or board.

(d) to a central registry established pursuant to this article.

2. In the course of any proceeding where such information is disclosed, except when necessary to effectuate the rights of a party to the proceeding, the court or presiding officer shall take such action as is necessary to insure that such information, or record or report of such information is not made public.

Added L.1972, c. 878, § 2; amended L.1973, c. 163, § 19; L.1974, c. 965, § 17.

§ 3372. Practitioner patient reporting

It shall be the duty of every attending practitioner and every consulting practitioner to report promptly to the commissioner, or his duly designated agent, the name and, if possible, the address of, and such other data as may be required by the commissioner with respect to, any person under treatment if he finds that such person is an addict or a habitual user of any narcotic drug. Such report shall be kept confidential and may be utilized only for statistical, epidemiological or research purposes, except that those reports which originate in the course of a criminal proceeding other than under section 81.25 of the mental hygiene law shall be subject only to the confidentiality requirements of section thirty-three hundred seventy-one of this article.

Added L.1972, c. 878, § 2; amended L.1973, c. 195, § 39.

§ 3373. Confidential communications

For the purposes of duties arising out of this article, no communication made to a practitioner shall be deemed confidential within the meaning of the civil practice law and rules relating to confidential communications between such practitioner and patient.

Added L.1972, c. 878, § 2.

NORTH CAROLINA GENERAL STATUTES

Chapter 90.

Medicine and Allied Occupations.

ARTICLE 5.

North Carolina Controlled Substances Act.

§ 90-86. Title of Article. — This Article shall be known and may be cited as the "North Carolina Controlled Substances Act." (1971, c. 919, s. 1.)

§ 90-87. Definitions. — As used in this Article:

* * *

(22) "Practitioner" means:

a. A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance so long as such activity is within the normal course of professional practice or research in this State.

b. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance so long as such activity is within the normal course of professional practice or research in this State.

* * *

§ 90-113.3. Education and research.

* * *

(e) The North Carolina Drug Authority may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any State civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

* * * * * * *

Chapter 96.
Employment Security.

ARTICLE 1.
Employment Security Commission.

ARTICLE 3.
Employment Service Division.

§ 96-23. Job placement; information; research and reports. — The Employment Service Division shall make public, through the newspapers and other media, information as to situations it may have applicants to fill, and establish relations with employers for the purpose of supplying demands for labor. The Division shall collect, collate, and publish statistical and other information relating to the work under its jurisdiction; investigate economic developments, and the extent and causes of unemployment and remedies therefor within and without the State, with the view of preparing for the information of the General Assembly such facts as in its opinion may make further legislation desirable. All information obtained by the North Carolina State Employment Service Division from workers, employers, applicants, or other persons, or groups of persons in the course of administering the State public employment service program shall be absolute privileged communications and shall not be disclosed directly or indirectly except as by regulations prescribed by the Commission. (1921, c. 131, s. 5; C. S., s. 7312(e); Ex. Sess. 1936, c. 1, s. 12; 1947, c. 326, s. 25.)

• • • • • • • •

North Dakota

TITLE 19

FOODS, DRUGS, OILS, AND COMPOUNDS

CHAPTER 19-03.1

UNIFORM CONTROLLED SUBSTANCES ACT

19-03.1-01. Definitions.—As used in this chapter:

* * *

20. "Practitioner" means:
    a. A physician, dentist, veterinarian, pharmacist, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.
    b. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

* * *

19-03.1-35. Cooperative arrangements and confidentiality.—

1. The state laboratories department shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances.

* * *

3. A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the state laboratories department nor may he be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

Source: S. L. 1971, ch. 235, § 35.

* * *

19-03.1-39. Education and research.—

* * *

2. The state laboratories department shall encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of this chapter, it may:
   a. establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse;
   b. make studies and undertake programs of research to:
      (1) develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this chapter;
      (2) determine patterns of misuse and abuse of controlled substances and the social effects thereof; and
      (3) improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances; and,
   c. enter contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

* * *

4. The state laboratories department may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

* * * * * * *

OHIO REVISED CODE

(NONE)

OKLAHOMA STATUTES

Title 63

Public Health and Safety

CHAPTER 2.—UNIFORM CONTROLLED DANGEROUS SUBSTANCES ACT

ARTICLE I. DEFINITIONS; DIRECTOR OF THE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL; ADVISORY BOARD

63 § 2-101. Definitions

As used in this act:

* * *

6. "Commissioner" or "Director" means the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

* * *

27. "Practitioner" means:

a. a physician, dentist, podiatrist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state; or

b. a pharmacy, hospital, laboratory or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or research in this state.

63 § 2-106. Powers and duties

A. The Director shall, in addition to other powers and duties vested in him:

* * *

G. The Director may authorize persons engaged in research or scientific activities on the use and effects of dangerous substances to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any state civil, criminal, administrative, legislative or other proceeding to identify the subjects of research for which such authorization was obtained.

* * * * * * *

OREGON STATUTES

(NONE)

PENNSYLVANIA STATUTES

Title 35

Health and Safety

CHAPTER 2.—REGISTRATION OF VITAL STATISTICS

§ 450.801 Records: disclosure in general

The vital statistics records of the department and of local registrars shall not be open to public inspection except as authorized by the provisions of this act and the regulations of the Advisory Health Board. Neither the department nor local registrars shall issue copies of or disclose any vital statistics record or part thereof created under the provisions of this or prior acts except in compliance with the provisions of this act and the regulations of the Advisory Health Board. 1953, June 29, P.L. 304, art. VIII, § 801.

§ 450.805 Records: disclosure for research purposes

The department may permit the use of vital statistics records or parts thereof for research, subject to strict supervision by the department to insure that the use of the records is limited to research purposes. 1953, June 29, P.L. 304, art. VIII, § 805.

* * * * * * * *

CHAPTER 6.—DRUGS, POISONS AND DANGEROUS SUBSTANCES

UNIFORM CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT

35 **§ 780—101. Short title**

This act shall be known and may be cited as "The Controlled Substance, Drug, Device and Cosmetic Act."
1972, April 14, P.L. 233, No. 64, § 1, *eff.* June 14, 1972.

§ 780—102. Definitions

* * *

"Practitioner" means: (i) a physician, osteopath, dentist, veterinarian, pharmacist, podiatrist, nurse, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance, other drug or device in the course of professional practice or research in the Commonwealth of Pennsylvania; (ii) a pharmacy, hospital, clinic or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance, other drug or device in the course of professional practice or research in the Commonwealth of Pennsylvania.

* * *

§ 780—137. Cooperative agreements and confidentiality

(a) The secretary shall cooperate with Federal and other State agencies in discharging his responsibilities concerning traffic in controlled substances, other drugs, devices and cosmetics and in suppressing the abuse of such substances and articles.

* * *

(c) A practitioner engaged in medical practice or clinical research is not required nor may he be compelled to furnish the name or identity of a patient or research subject to the secretary, nor may he be compelled in any State or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of such an individual.

* * * * * * *

Title 71

State Government
§§ 901 to End

§ 1690.101 Short title

This act shall be known and may be cited as the "Pennsylvania Drug and Alcohol Abuse Control Act."
1972, April 14, P.L. 221, No. 63, § 1.

§ 1690.102 Definitions

* * *

"Council" means the Governor's Council On Drug and Alcohol Abuse established by this act.

* * *

§ 1690.104 Council's powers and responsibilities

(a) The council shall develop and adopt a State plan for the control, prevention, treatment, rehabilitation, research, education, and training aspects of drug and alcohol abuse and dependence problems. The State plan shall include, but not be limited to, provision for:

(1) Coordination of the efforts of all State agencies in the control, prevention, treatment, rehabilitation, research, education, and training aspects of drug and alcohol abuse and dependence problems. It shall allocate functional responsibility for these aspects of the drug and alcohol abuse and dependence problems among the various State agencies so as to avoid duplications and inconsistencies in the efforts of the agencies.

* * *

(7) Coordination of research, scientific investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, toxicology, pharmacology, chemistry, effects on health, dangers to public health, prevention, diagnosis and treatment of drug and alcohol abuse and dependence.

(8) Investigation of methods for the more precise detection and determination of alcohol and controlled substances in urine and blood samples, and by other means, and publication on a current basis of uniform methodology for such detections and determinations.

Any information obtained through scientific investigation or research conducted pursuant to this act shall be used in ways so that no name or identifying characteristics of any person shall be divulged without the approval of the council and the consent of the person concerned. Persons engaged in research pursuant to this section shall protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons engaged in such research shall protect the privacy of such individuals and may not be compelled in any Federal, State, civil, criminal, administrative, legislative, or other proceeding to identify such individuals.

* * * * * * *

RHODE ISLAND GENERAL LAWS

TITLE 21—FOOD AND DRUGS

CHAPTER 28—UNIFORM CONTROLLED SUBSTANCES ACT

CHAPTER 28.3—DRUG ABUSE REPORTING SYSTEM

21-28.3-1. Drug abuse reporting system established.—The director of health, or his designee, shall establish and maintain a drug abuse reporting system to compile relevant statistics of incidents of drug abuse, for the purpose of aiding and assisting drug control and social service agencies, public and private, in the treatment and rehabilitation of victims of drug abuse.

21-28.3-2. Contents of statistics.—Said statistics shall include, but not be limited, to the age, sex, occupation, background and degree of apparent dependency of the individual involved, and the nature and type of drug involved, according to forms and regulations established by the director, which forms and regulations are hereby exempted from the administrative procedures act. All hospitals, physicians, and state and local law enforcement agencies shall be required to report, on a monthly basis, the facts and circumstances of incidents of drug abuse to the department of health in accordance with the reporting system established by the director of the department of health.

* * *

21-28.3-3. Confidentiality.—In the maintenance, [compilation] and providing of said statistics, the director of health, the hospitals, and the physicians shall maintain a confidentiality with respect to the identity of the individuals involved except where so ordered to the contrary by any court of competent jurisdiction in the State of Rhode Island; such confidentiality shall not extend to the records and files of the law enforcement agencies, except insofar as such confidentiality is protected under other provisions of the general laws, or otherwise. The director is authorized to provide any public or private drug control agency or social service agency with the compilation and detail of said statistics described in §§ 21-28.3-1 and 21-28.3-2

21-28.3-4. Breach of confidentiality.—Any person who directly or indirectly violates or conspires to violate the confidentiality provisions of § 21-28.3-3 shall be guilty of a misdemeanor and shall be punishable by a sentence of up to six (6) months in jail and/or a fine of up to one thousand dollars ($1000).

History of Section.
As assigned, P. L. 1972, ch. 268, § 1.

* * * * * * *

TITLE 23—HEALTH AND SAFETY

CHAPTER 3—VITAL STATISTICS

23-3-23. Disclosure of records.—(a) To protect the integrity of vital statistics records, to insure their proper use, and to insure the efficient and proper administration of the vital statistics system, it shall be unlawful for any person to permit inspection of or to disclose information contained in vital statistics records, or to copy or issue a copy of all or part of any such record except as authorized by regulation.

(b) The director of health may authorize under appropriate safeguards the disclosure of data contained in vital statistics records for research purposes.

* * *

History of Section.

G. L., § 23-3-17, as enacted by P. L. 1961, ch. 87, § 1; P. L. 1976, ch. 293, § 1.

* * * * * * *

SOUTH CAROLINA CODE OF LAWS

TITLE 32.
HEALTH.

ARTICLE 3.4.
Narcotics and Controlled Substances.

§ 32-1510.27. Definitions.—As used in this article:

* * *

"Confidant" means a medical practitioner, a pharmacist, a pharmacologist, psychologist, a psychiatrist, a full-time staff member of a college or university counselling bureau, a guidance counselor or a teacher in an elementary school or in a junior or senior high school, a full-time staff member of a hospital, a duly ordained and licensed member of the clergy, accredited Christian Science practitioner, or any professional or paraprofessional staff member of a drug treatment, education, rehabilitation, or referral center who has received a communication from a holder of the privilege.

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through V in §§ 32-1510.31, 32-1510.33, 32-1510.35, 32-1510.37 and 32-1510.39.

* * *

"Practitioner" means:

(1) A physician, dentist, veterinarian, podiatrist, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.

* * *

§ 32-1510.25. Certain communications, etc., privileged. — Whenever a holder of the privilege shall seek counselling, treatment, or therapy for any drug problem from a confidant, no statement made by such holder and no observation or conclusion derived from such confidant shall be admissible against such holder in any proceeding. The results of any examination to determine the existence of illegal or prohibited drugs in a holder's body shall not be admissible in any proceeding against such holder.

The privilege belongs to the holder and if he waives the right to claim the privilege the communication between the holder of the privilege and the confidant shall be admissible in evidence in any proceeding.

There is no privilege if the services of a confidant are sought to enable the holder of the privilege to commit or plan to commit a crime or a tort. (1971 (57) 800; 1973 (58) 289.)

* * *

§ 32-1510.11. Registration required: authority of registrants. — (a) Every person who manufactures, distributes, or dispenses any controlled substance or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance, shall obtain a registration issued by the Board in accordance with its rules and regulations.

(g) The Board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

* * * * * * * *

SOUTH DAKOTA COMPILED LAWS

TITLE 39
FOOD, DRUGS, OILS AND COMPOUNDS

CHAPTER 39-17
DRUGS AND SUBSTANCES CONTROL

39-17-44. Definitions.—The following words and phrases, for the purposes of this chapter, shall have the following meanings, unless the context otherwise requires:

* * *

(17) "Practitioner" means a doctor of medicine, osteopathy, podiatry, dentistry, or veterinary medicine licensed to practice their profession, or pharmacists licensed to practice their profession; physician's assistants certified to practice their profession; government employees acting within the scope of their employment; and persons permitted by certificates issued by the department to distribute, dispense, conduct research with respect to, or administer a substance controlled by this chapter.

* * *

39-17-148. Withholding of names by researchers—Privileged information.—The department of health shall, in addition to other powers and duties vested in it by this chapter or any other act, authorize persons engaged in research on the use and effects of drugs and substances to withhold names and other identifying characteristics of persons who are the subjects of such research. Such persons who obtain this authorization may not be compelled in any state civil, criminal, administrative, legislative, or other proceeding to identify the subjects of research for which such authorization was obtained.

Source: SL 1970, ch 229, § 5 (i).

* * *

39-17-151.5. Drug abuse client records confidential—Disclosure —Application to former clients.—Any record of the identity, diagnosis, prognosis or treatment of any client which is maintained in connection with the performance of any drug abuse prevention, education, training, counseling, treatment, rehabilitation and research functions conducted, regulated, or assisted, directly or indirectly by any agency or division of the department of health, shall, except as provided for in § 39-17-151.7, be confidential and disclosed only for the purposes or circumstances listed:

(1) In accordance with the prior written consent of the client with respect to whom such records are maintained;

(2) To medical personnel to the extent necessary to meet a bona fide medical emergency;

(3) To personnel determined to be qualified by the department for conducting scientific research, management audits, financial audits or program evaluations; provided, however, such personnel shall not identify, directly or indirectly, any individual client in any report, audit or evaluation or otherwise disclose client identities in any manner.

The prohibitions of this section shall continue to apply to records concerning any individual who has been a client, irrespective of whether or when he ceases to be a client.

39-17-151.6. Exchange of records between accredited care programs not prohibited.—The provisions of § 39-17-151.5 do not apply to the legitimate exchange of records between accredited drug abuse programs which are providing health and follow-up care to a client.

39-17-151.7. Court-ordered disclosure after showing of good cause—Safeguards.—Notwithstanding § 39-17-151.5, disclosure of records is permitted if authorized by an appropriate court order granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against injury to the client, to the counselor-client relationship, and to the drug abuse services being provided. The court shall determine the extent to which any disclosure of all or any part of any record is necessary, and provide appropriate safeguards against unauthorized disclosures. Except as authorized by a court order granted under this section, no records may be used to initiate or substantiate any criminal charges against a client or to conduct any investigation of a client.

39-17-151.8. Violation of confidentiality provisions as misdemeanor.—Any violation of §§ 39-17-151.5 to 39-17-151.7, inclusive, is a misdemeanor.

Source: SL 1976, ch 249, § 3.

• • • • • • • •

TENNESSEE CODE

TITLE 52—FOOD, DRUGS AND COSMETICS

CHAPTER 14—DRUG CONTROL

52-1408. Short title.—Sections 52-1408—52-1448 shall be known and may be cited as "The Tennessee Drug Control Act of 1971." [Acts 1971, ch. 163, § 1.]

52-1409. Definition of terms.—As used in §§ 52-1408—52-1448, unless the context requires otherwise:

* * *

(t) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

* * *

52-1442. Bureau of criminal identification — Powers and duties. — (a) The Tennessee bureau of criminal identification shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, it may:

(1) arrange for the exchange of information among governmental officials concerning the use and abuse of controlled substances;

(2) coordinate and cooperate in training programs concerning controlled substance law enforcement at local and state levels;

(3) cooperate with the bureau by establishing a centralized unit to accept, catalogue, file, and collect statistics, including records of drug dependent persons and other controlled substance law offenders within the state, and make the information available for federal, state, and local law enforcement purposes. It shall not furnish the name or identity of a patient or research subject whose identity could not be obtained under subsection (c); and

TITLE 53
HEALTH AND SAFETY

53-401. Short title. — This chapter may be cited as the "Vital Statistics Act of 1941." [Acts 1941, ch. 23, § 52; C. Supp. 1950, § 5827.1 (Williams, § 5827.52).]

53-402. Definitions. — As used in this chapter, unless the context clearly requires otherwise, the following definitions shall apply:

(a) "Vital statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to births, adoptions, legitimations, death, stillbirths, marital status, and other data incidental thereto.

53-425. Disclosure of data in records unlawful unless authorized — Use for scientific research or governmental purposes. — It shall be unlawful for the state or local registrars or other employees to disclose data contained in vital statistics records, except as authorized by the department, and the department may permit the use of data contained in vital statistics records for scientific research or official governmental purposes where the rights of the individuals whose records are on file are not jeopardized. [Acts 1941, ch. 23, § 24; C. Supp. 1950, § 5827.25 (Williams, § 5827.24).]

* * * * * * *

(b) Results, information, and evidence received from the bureau relating to the regulatory functions of §§ 52-1408—52-1448, including results of inspections conducted by it, may be relied and acted upon by the Tennessee bureau of criminal identification in the exercise of its regulatory functions under §§ 52-1408—52-1448.

(c) A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the Tennessee bureau of criminal identification, nor may such practitioner be compelled in any state or local civil, criminal, administrative, legislative or other proceedings to furnish the name or identity of an individual that such practitioner is obligated to keep confidential, except the commissioner of the department of mental health and mental retardation may require the disclosure of such information to the department of mental health and mental retardation concerning individuals being treated with controlled substances as is necessary to insure compliance by a practitioner and his patient or research subject with state or federal laws and regulations governing the use of controlled substances. [Acts 1971, ch. 163, § 35; 1973, ch. 295, § 22; impl. am. Acts 1975, ch. 248, § 2.]

• • •

52-1446. **Research subject identification—Research drugs.**—(a) The commissioner of mental health and mental retardation upon agreement of the commissioner of public health may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

• • • • • • • •

SUBCHAPTER 3. REGULATION OF MANUFACTURE, DISTRIBUTION, AND DISPENSING OF CONTROLLED SUBSTANCES

Registration

* * *

(d) The director may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

* * *

SUBCHAPTER 5. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

* * *

Cooperative arrangements and confidentiality

Sec. 5.02. (a) The director shall cooperate with federal and state agencies in discharging his responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances.

* * *

(c) A practitioner engaged in authorized medical practice or research may not be required or compelled to furnish the name or identity of a patient or research subject to the department of public safety, the director of the State Program on Drug Abuse, or to any other agency, public official, or law enforcement officer, and a practitioner may not be compelled in any state or local civil, criminal, administrative, legislative, or other proceeding to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

* * * * * * *

TEXAS CIVIL STATUTES

TITLE 71

HEALTH—PUBLIC

Art. 4476—15. Controlled Substances Act

SUBCHAPTER 1. GENERAL PROVISIONS

Short title

Section 1.01. This Act may be cited as the "Texas Controlled Substances Act."

Definitions

Sec. 1.02. For the purposes of this Act:

* * *

(9) "Director" means the Director of the Texas Department of Public Safety or an employee of the department designated by him.

* * *

(24) "Practitioner" means:

(A) a physician, dentist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, analyze or conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state; or

(B) a pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state.

* * *

TITLE 92
MENTAL HEALTH

Art. 5547-202 II. MENTAL HEALTH AND RETARDATION ACT

Data on condition and treatment of persons

Sec. 2.23. (a) Any person, hospital, sanitorium, nursing or rest home, medical society, or other organization may provide information, interviews, reports, statements, memoranda, or other data related to the condition and treatment of any person to the State Department of Mental Health and Mental Retardation, medical organizations, hospitals and hospital committees, to be used in the course of any study for the purpose of reducing mental disorders and disabilities, and no liability of any kind or character for damages or other relief arises against any person or organization for providing such information or material, or for releasing or publishing the findings and conclusions of such groups to advance mental health and mental retardation research and education, or for releasing or publishing generally a summary of such studies.

(b) The Department, medical organizations, hospitals and hospital committees may use or publish these materials only for the purpose of advancing mental health and mental retardation research and education, in the interest of reducing mental disorders and disabilities, except that summaries of such studies may be released for general publication.

(c) The identity of any person whose condition or treatment has been studied shall be kept confidential and shall not be revealed under any circumstances. All information, interviews, reports, statements, memoranda, or other data furnished by reason of this Act and any findings or conclusions resulting from such studies are declared to be privileged.

• • • • • • •

UTAH CODE

TITLE 26
HEALTH

ARTICLE 2
VITAL STATISTICS

26-15-9. Definitions.—Definitions as used in this act:

(1) "Vital statistics" include the collection, compilation, publication, and preservation of data pertaining to births, adoptions, legitimations, deaths, fetal deaths, marriage, divorce, annulment of marriage, morbidity, and data incidental thereto.

26-15-26. Records and files of bureau of vital statistics—Inspection—Certified copies.—The records and files of the bureau of vital statistics are open to inspection, subject to the provisions of this act and regulations of the board, but it shall be unlawful for any state or local officer or employee of the state to disclose data contained in vital records, except as authorized by this act and regulation of the board.

(1) Custodian of records may permit the inspection of records or issue a certified copy of a record or any part thereof when satisfied that the applicant thereof has a direct, tangible, and legitimate interest, as hereinafter defined, in the information and record requested.

(2) For the purposes of this act, a direct, tangible, legitimate interest in a vital record is defined as follows:

a. That the request is in the interest of a personal or property right of the person whose record is on file.

b. That the request is in the interest of the conduct of duty of an official governmental agency, whether state, local or federal.

c. That the request is in the interest of the furtherance of a statistical or medical research program and that prior consent has been obtained from the state director of vital statistics.

d. That the request is in the interest of a court of record and on the presentation of a duly certified order of the court specifying the record sought to be examined and copy obtained. The board shall prescribe regulations governing the manner of keeping and use of local records. Any applicant for a copy of a record may obtain a short form certification containing the following: Full name(s) of the person(s) registered, sex, date and place of the event, date the original certificate was filed, certificate number, and none of the other data on the certificate.

* * * * * * *

VERMONT STATUTES

(NONE)

CODE OF VIRGINIA

Title 19.2.

Criminal Procedure.

CHAPTER 23.

CENTRAL CRIMINAL RECORDS EXCHANGE.

§ 19.2-389. Dissemination of criminal history record information. — A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to: (i) authorized officers or employees of criminal justice agencies, as defined by § 9-108.1, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants; (ii) such other individuals and agencies which require criminal history record information to implement a State or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements and/or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending; (iii) individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, insure the security and confidentiality of the data; (iv) individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency which shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and insure the confidentiality and security of the data; (v) agencies of State or federal government which are authorized by State or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information; and (vi) individuals and agencies where authorized by court order or court rule; (vii) agencies of any political subdivision of the State for the conduct of investigations of applicants for public employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration; (viii) to the extent permitted by federal law or regulation, public service companies as defined in § 56-1 of the Code of Virginia, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration; and (ix) as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case, and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

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CODE OF WASHINGTON

Title 43

STATE GOVERNMENT — EXECUTIVE

CHAPTER 43.07

SECRETARY OF STATE

43.07.050 Bureau of statistics—Secretary ex officio commissioner. The secretary of state shall be ex officio commissioner of statistics. He shall establish within his office, and under his immediate supervision, a bureau to be known as the bureau of statistics, agriculture and immigration.

43.07.080 ——Preparation of report. The commissioner of statistics shall prepare for publication, from the reports of the county assessors, chambers of commerce, boards of trade and other authentic sources, a comprehensive report, setting forth the geography, topography, climate, natural and artificial resources of Washington, its inland waters and adjacent seas, a knowledge of which would tend to invite industrious, enterprising, intelligent people to remove hither. It shall be the duty at all times of the bureau to promptly answer all proper inquiries relative to the state of Washington received by mail or otherwise from intending immigrants.

43.07.090 ———Power to obtain statistics—Penalty. The commissioner shall have the power to send for persons and papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in his office. He shall have free access to all places and works of labor, and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, warehouse, manufacturing or mercantile establishment, or any agent or employee of any such principal, owner, operator, manager, or lessee, who shall refuse to the commissioner or his duly authorized representative admission therein, or who shall, when requested by him, wilfully neglect or refuse to furnish him any statistics or information pertaining to his lawful duties which may be in the possession or under the control of said principal, owner, operator, lessee, manager, or agent thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

43.07.100 ———Information confidential—Penalty. No use shall be made in the report of the bureau of the names of individuals, firms, or corporations supplying the information called for by these sections, such information being deemed confidential and not for the purpose of disclosing any person's affairs; and any agent or employee of said bureau violating this provision shall upon conviction thereof be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not to exceed six months.

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Title 69
FOODS, DRUGS, COSMETICS, AND POISONS

CHAPTER 69.50—UNIFORM CONTROLLED SUBSTANCES ACT

ARTICLE V—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

69.50.508 Education and research

(a) The state board of pharmacy may carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs it may:

(d) The board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

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WEST VIRGINIA CODE

CHAPTER 60A.
UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 1.
DEFINITIONS.

§ 60A-1-101. Definitions.

* * *

(t) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this State.

(2) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this State.

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ARTICLE 5.

ENFORCEMENT AND ADMINISTRATIVE PROVISIONS.

* * *

§ 60A-5-504. Cooperative arrangements; confidentiality; treatment of minor without knowledge or consent of parent or guardian.

* * *

(c) A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the state board of pharmacy or to the appropriate department, board, or agency by which he is licensed or registered, as specified in section three hundred one [§ 60A-3-301], nor may he be compelled in any state or local civil, criminal, administrative, legislative, or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

* * *

§ 60A-5-508. Education and research.

(a) The said state board of pharmacy and the appropriate departments, boards, and agencies, as specified in section 301 [§ 60A-3-301], and the division on alcoholism and drug abuse in the department of mental health (all hereinafter in this section referred to as "such agencies"), shall carry out educational programs designed to prevent and deter misuse and abuse of controlled substances.

* * *

(d) Such agencies may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

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WISCONSIN STATUTES

TITLE XV

PUBLIC HEALTH

CHAPTER 161

UNIFORM CONTROLLED SUBSTANCES ACT

SUBCHAPTER I

DEFINITIONS

161.01 Definitions

As used in this act:

(19) "Practitioner" means:

(a) A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

(b) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

161.335 Special use authorization

(7) The controlled substances board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative or other proceeding to identify or to identify to the board the individuals who are the subjects of research for which the authorization was obtained.

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WYOMING STATUTES

Title 35.
Public Health and Safety.

CHAPTER 5.
Food and Drugs.

Article 9.1.
Controlled Substances Act.

§ 35-347.2. Definitions.—As used in this act [§§ 35-347.1 to 35-347.55]:

(t) ***"Practitioner"*** **means:**

(i) A physician, dentist, veterinarian, podiatrist, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state;

(ii) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice of [or] research in this state;

Article II.

§ 35-347.3. Attorney general designated commissioner of drugs and substances control.—The attorney general of the State of Wyoming is hereby designated commissioner of drugs and substances control. (Laws 1971, ch. 246, § 3.)

§ 35-347.7. Cooperative arrangements; plant eradication programs; research.—The commissioner of drugs and substances control may, in addition to other powers and duties vested in him by this or any other act:

(h) Authorize persons engaged in research on the use and effects of drugs and substances to withhold names and other identifying characteristics of persons who are the subjects of such research, such persons who obtain this authorization may not be compelled in any state, civil, criminal, administrative, legislative or other proceeding to identify the subjects of research for which such authorization was obtained;

§ 35-347.52. Educational programs; research.—(a) The commissioner may carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs he may:

(d) The commissioner shall authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

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*U.S. GOVERNMENT PRINTING OFFICE : 1978 O-260-992/2131